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*Regulations*  
*for the*  
*Occupancy, Use,*  
*Protection*  
*and*  
*Administration*  
*of the*  
*National Forests.*



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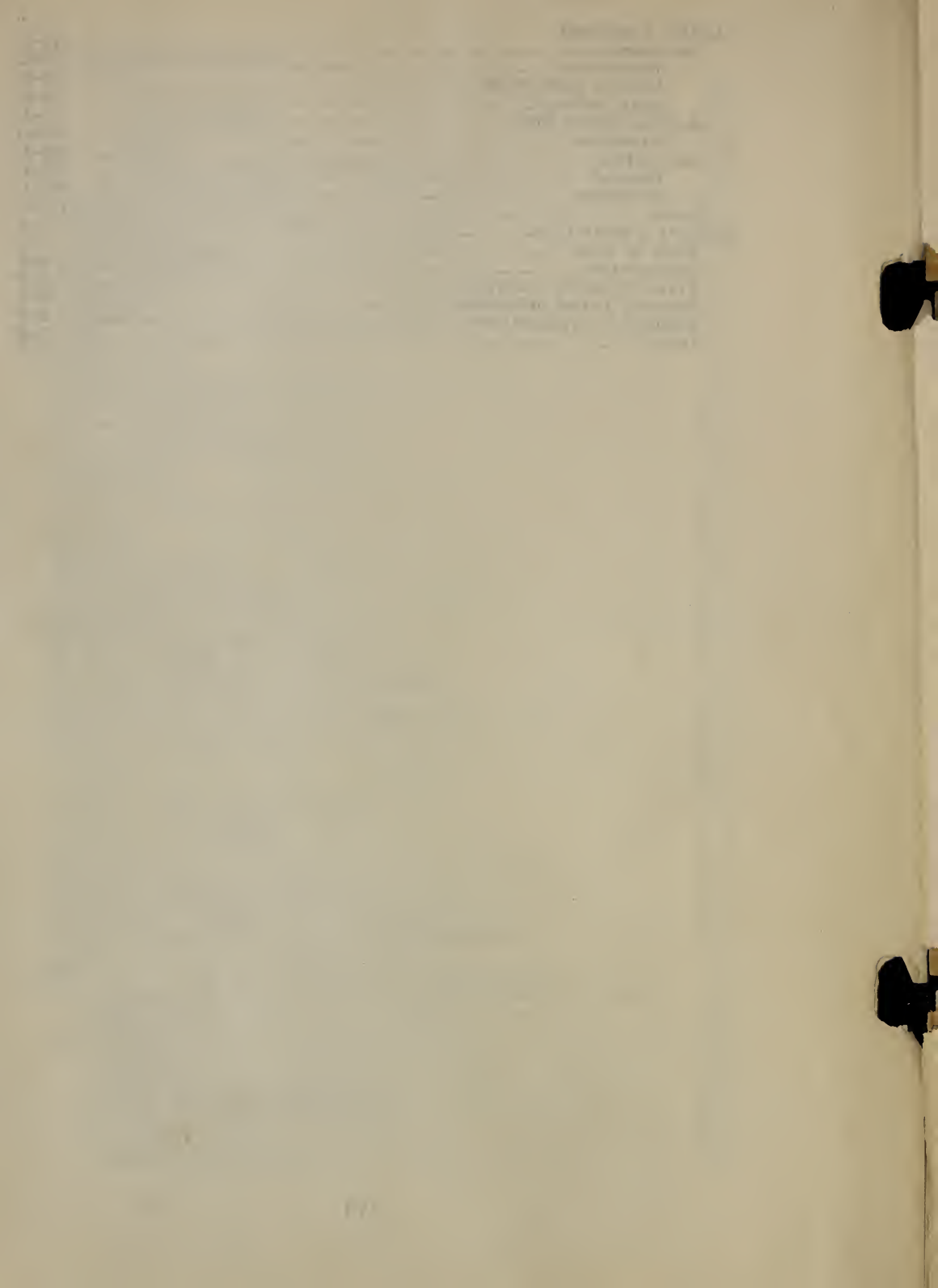
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UNITED STATES DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
*Washington, D. C.*

By virtue of the authority vested in the Secretary of Agriculture by the act of Congress of February 1, 1905 (33 Stat., 628), amendatory of the act of Congress of June 4, 1897 (30 Stat., 11), I, D. F. HOUSTON, Secretary of Agriculture, do make and publish the following regulations for the occupancy, use, protection, and administration of the National Forests, the same to supersede all previous regulations for like purposes and to be in force and effect from the 1st day of February, 1915, and to constitute a part of the National Forest Manual. And the Forester is hereby authorized and directed to issue such instructions to the officers and employees of the Forest Service and to establish such procedure for the guidance of the users of the National Forests as may be necessary to carry these regulations into effect.

In testimony whereof I have hereunto set my hand and official seal at Washington, D. C., this 14th day of November, 1914.

[SEAL]

D. F. HOUSTON,  
*Secretary of Agriculture.*

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UNITED STATES DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE,  
*Washington, D. C., November 14, 1914.*

Under authority from the Secretary of Agriculture, dated November 14, 1914, the following instructions and procedure are hereby issued and established for the guidance of the employees of the Forest Service and of the users of the National Forests in carrying into effect the regulations of the Secretary of Agriculture.

H. S. GRAVES,  
*Forester.*



THE UNIVERSITY OF CHICAGO

CHICAGO, ILLINOIS

1911

THE UNIVERSITY OF CHICAGO, ILLINOIS, has the honor to acknowledge the receipt of your letter of the 14th inst. and to inform you that the same has been forwarded to the proper authorities for their consideration. The authorities have not yet reached a decision, but it is expected that a decision will be reached in the near future. In the meantime, the University is pleased to have you as a member of its community and to have your services as a member of its faculty.

Very truly yours,

THE UNIVERSITY OF CHICAGO

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ADMINISTRATION  
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## ADMINISTRATION.

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### THE NATIONAL FORESTS.

#### THEIR PURPOSE.

National Forests have for their objects to insure a perpetual supply of timber, to preserve the forest cover which regulates the flow of streams, and to provide for the use of all resources which the Forests contain, in the ways which will make them of largest service. Largest service means greatest good to the greatest number in the long run. It means conservation through use, with full recognition of all existing individual rights and with recognition also that beneficial use must be used by individuals; but without the sacrifice of a greater total of public benefit to a less. In other words, the Forests are to be regarded as public resources, to be held, protected, and developed by the Government for the benefit of the people.

The injury which results from the destruction of forests by fire and ill-regulated use is a matter of history in older countries, and has long been the cause of anxiety in the United States. A cheap and plentiful supply of timber is important if not necessary to the welfare of communities; a forest cover is the most effective means of maintaining a regular streamflow for irrigation and other purposes; and the future of the western live-stock industry depends upon the permanence of the range. Exhaustion of a local timber supply means the cessation of lumbering and the business activities dependent on it, and often leaves desolation, impoverishment, and industrial depression; there are vast public and private losses through unnecessary forest fires, while a rapidly growing population creates an increasing demand for lumber. With forest destruction the flow of streams becomes irregular just when development of the country makes them indispensable to transportation, manufacture, or irrigation. Without regulation there is serious decrease in the carrying capacity of the range. In short, forest protection is vital to the public welfare.

#### THEIR USE.

The regulations and instructions for the use of the National Forests here published are in accordance with the organic acts and with the various supplementary and amendatory laws passed since June 4, 1897. They are based upon the general policy laid down for the Forest Service by the Secretary of Agriculture in his letter to the Forester dated February 1, 1905:

"In the administration of the forest reserves it must be clearly borne in mind that all land is to be devoted to its most productive use for the permanent good of the whole people, and not for the temporary benefit of individuals or companies. All the resources of forest reserves are for use, and this use must be brought about in a thoroughly prompt and businesslike manner, under such restrictions only as will insure the permanence of these resources. The vital importance of forest reserves to the great industries of the Western States will be largely increased in the near future by the continued steady advance in settlement and development. The permanence of the resources of the reserves is therefore indispensable to continued prosperity, and the policy of this department for their protection and use will invariably be guided by



this fact, always bearing in mind that the conservative use of these resources in no way conflicts with their permanent value.

"You will see to it that the water, wood, and forage of the reserves are conserved and wisely used for the benefit of the home builder, first of all, upon whom depends the best permanent use of lands and resources alike. The continued prosperity of the agricultural, lumbering, mining, and live-stock interests is directly dependent upon a permanent and accessible supply of water, wood, and forage, as well as upon the present and future use of these resources under businesslike regulations enforced with promptness, effectiveness, and common sense. In the management of each reserve local questions will be decided upon local grounds; the dominant industry will be considered first, but with as little restriction to minor industries as may be possible; sudden changes in industrial conditions will be avoided by gradual adjustment after due notice, and where conflicting interests must be reconciled the question will always be decided from the standpoint of the greatest good of the greatest number in the long run."

## **THE FOREST SERVICE.**

### **WORK.**

The work of the Forest Service consists of the administration and protection of the National Forests, the development and utilization of their resources, and research into technical problems connected with forestry, and the discovery and diffusion of knowledge concerning the best use of forests and forest products.

### **PERSONNEL.**

The men employed in the Forest Service are technical experts in forestry and other related lines of work, executive officers on the National Forests, clerical assistants, and laborers. The executive force is drawn from the States and localities in which the National Forests are situated. All permanent positions are in the classified civil service. Those who hold appointments, besides having suitable knowledge and experience, are required to be honest, industrious, sober, and courteous. Efficiency is the primary quality upon which the advancement of each individual depends.

### **ORGANIZATION.**

#### **Washington Office.**

The conduct of all matters relating to forestry which have been placed upon the Department of Agriculture by Congress, including the administration of the National Forests, is, under the direction of the Secretary of Agriculture, in charge of the Forester, who is the Chief of the Forest Service. The office of the Forester is in Washington, D. C.

#### **Districts.**

For the better administration of the National Forests seven districts have been established, with headquarters at the following places: District 1, Missoula, Mont.; district 2, Denver, Colo.; district 3, Albuquerque, N. Mex.; district 4, Ogden, Utah; district 5, San Francisco, Cal.; district 6, Portland, Oreg.; and district 7, Washington, D. C. Each National Forest district embraces a number of National Forests, and the district officers are responsible for the general supervision and inspection of the administrative and technical work on the Forests within their respective districts. Each district is in charge of a district forester.

#### **Forest Units.**

The Forest areas are divided for the purposes of administration into convenient units of management, each of which is called a National Forest, and is in charge of a forest supervisor. The forest supervisor's headquarters are located at a place in or adjacent to the Forest from which the business can be conducted most conveniently and efficiently.

#### **Accounts.**

The receipt and disbursement of the funds of the Forest Service and the execution of all formal papers affecting the grade, assignment, or salary of members of the Forest Service will be in charge of the Chief of the Office of Accounts. The chief of accounts is assisted by seven district fiscal agents, each of whom has direct charge of all the work of the office arising in the district to which he is assigned. The district fiscal agent may be assisted by special disbursing officers, whose duties and authorities will be determined by the Secretary.

In each district a United States depository is designated, which receives all revenues of the Forest Service in that district.

The chief of the Office of Accounts and the district fiscal agents correspond directly with the other members of the Forest Service in all matters pertaining to the settlement of accounts.

#### **Law.**

Under the direction of the Solicitor of the Department of Agriculture the district assistants to the solicitor are the advisors of the district foresters and their assistants on all questions of law arising in the administration of the National Forests. The opinions of the district assistants will be binding on the district foresters, except that in urgent cases an appeal may be taken through the Forester to the Solicitor. In such cases all papers, including the opinion of the district assistant to the solicitor, must be forwarded.

All requests for formal opinions will be made in the form of written memoranda, accompanied, when possible, with all the papers in the case and a full statement of facts out of which the request for an opinion arises. In matters of minor importance, where written and formal opinions are not necessary, or are impracticable, the district foresters should informally consult with the district assistants.

All matters which have reached the stage where action in the courts is necessary must be referred to the district assistants to the solicitor. Thenceforth the cases will be entirely in their hands, and all correspondence in reference thereto will be conducted and prepared by them. If additional evidence is needed they will request the district foresters to supply it.

The district fiscal agents will request and receive advice and opinions from the district assistants to the solicitor in the same manner.

#### **Service Committee.**

The service committee will consist of the Forester, the Associate Forester, and such administrative officers as may be designated by the Forester.

The committee will meet once each week and in such special sessions as the Forester or the Acting Forester may deem necessary. The functions of the committee are purely advisory, and decisions on all recommendations made will rest with the Forester.

Corrected copies of the minutes will be furnished to each district forester, the Solicitor, the director of the Madison Laboratory, and to each administrative officer of the Washington office while in the field, and such other members of the Service as the committee may deem entitled to receive them. The minutes are not for the information of the Service in general or of the public, but are sent to certain officers for their information, serving as an index of the administrative problems requiring the attention of the committee.

The opinions expressed by the members are individual views given informally and confidentially. No definite action should be taken by any Forest Service officer which is based solely upon these discussions, since the opinions expressed and the recommendations made do not become part of the Service policy until approved by the Forester and issued as official instructions.

#### **District Committee.**

The district committee will consist of the district forester and such executive officers as he may designate. The committee will meet once a week. The following order of business will be observed:

Reading of the minutes.

Unfinished business.



Reports of subcommittees.

Discussion of reports of subcommittees.

Reports of members of the committee.

The committee will discuss matters which relate to the administration of the National Forests and to work of the Forest Service and will make definite recommendations, but decisions will rest with the district forester. Copies of the minutes of the committee meetings will be sent to the Forester, to each district forester, and to the director of the Madison Laboratory. Copies may also be sent to the supervisors of the district in which the meeting is held. The discussions are informal and confidential, and a large part of their value depends upon keeping them so. The minutes will not be taken as instructions and supervisors will therefore be careful not to draw hasty conclusions from the record of these discussions, where it may seem that unnecessary criticism has passed.

## **ADMINISTRATION OF THE NATIONAL FORESTS.**

### **ADMINISTRATIVE AUTHORITY OF OFFICERS.**

#### **Washington Officers.**

Administrative officers of the Washington office, when in the field, will not issue instructions to officers upon the National Forests, except in cases of grave emergency. In such cases the district forester concerned will be informed immediately, in writing, by the administrative officer, of the character of such instructions, and to whom they were given.

When on duty in a district, members of the Washington office will act either as inspectors, within their respective fields, reporting directly to the Forester, or as executive officers under the direction of the district forester, in accordance with the instructions from the Forester.

#### **District Officers.**

The district foresters and assistant district foresters, and district officers designated by them, are authorized, within their respective fields, to give instructions to officers upon the National Forests within their districts. Other subordinate officers of the district office when on National Forests will, by assignment, act as inspectors within their respective fields, reporting directly to their chief, or as executive officers reporting directly to the supervisor.

When a district officer issues instructions to a supervisor in the field he should prepare a written memorandum of them to go into the forest supervisor's file. Orders to rangers and other field officers should be given only in emergency cases, and when such orders are found necessary they should be communicated, by the officer issuing them, to the supervisor as soon as possible. Copies of these memoranda should be sent to the district forester whenever the action initiated by them requires further action in the district office or is needed for information.

When a district officer is in doubt concerning instructions to be given, especially when it concerns matters outside of the officer's special line of work, he will report the circumstances in detail to the district forester.

Reports on controversies or complaints, which are settled on the ground by the district officer, will be filed for reference in the district office and a copy sent to the supervisor.

#### **Inspectors.**

Members of the Washington and district offices, when on National Forests under assignments as inspectors, will give no orders.

#### **Supervisors.**

The supervisor has full authority over all forest officers detailed to the Forest of which he is in charge and may make such assignments and delegate such authority as he may consider necessary, provided such assignments or delegations of authority are not specifically prohibited.

#### **Rangers and Guards.**

Within their prescribed districts rangers and guards exercise the delegated authority of the supervisor for the administration and protection of the Forests.



Technical assistants of all kinds are in duty bound to act for the protection of the Forests whenever emergency arises, but have no authority in administrative matters outside their special work, unless such authority has been specifically delegated by the supervisor or the district forester.

**Power to Arrest.**

All forest officers have power to arrest without warrant any person whom they discover in the act of violating the National Forest laws and regulations, or if a violation of such laws and regulations is committed out of the view of such officers they have the authority to secure a warrant from a United States commissioner, or, if one is not convenient, from a justice of the peace, and use it as the visible sign of the right to arrest, and also to arrest for any such violation on a warrant obtained by any competent person. Every person so arrested must be taken before the nearest United States commissioner for commitment.

**RIGHTS OF WAY—ADMINISTRATIVE.<sup>a</sup>**

Rights of way for such purposes as may hereafter be found necessary by the Secretary of Agriculture in the protection, improvement, and administration of National Forests, their enjoyment and use by the public, and in the removal of forest products by the United States, or its authorized agents and permittees, should be secured in accordance with the following general procedure: When it has first been determined that such rights of way are necessary and essential to the accomplishment of the purposes above stated—

1. The owner of the land over which the right of way crosses should first be approached by the forest supervisor to ascertain if the right of way can be obtained at a nominal or reasonable charge.

2. If the right of way can not be obtained at a nominal or reasonable charge, the necessity for it should be covered in detail in the form of a report and map, submitted to the district forester for approval. If the need for the right of way is approved by the district forester and the facts warrant condemnation in the judgment of the assistant to the solicitor, the district forester will recommend to the Forester that steps be taken to initiate condemnation proceedings.

3. For detailed instructions as to the conditions under which rights of way should be obtained, reference should be made to the Branch sections of the Manual.

**THE ADMINISTRATIVE PLAN.**

**Forest Supervisors.**

Responsibility for supervising the use of the National Forests and for protecting and improving them rests primarily upon the supervisors. The personnel on a National Forest will be determined by the district forester from annual estimates submitted by the supervisor.

When the amount of business on a National Forest warrants it the forest supervisor is assisted by a deputy supervisor, who has such duties and authority as may be delegated to him by the supervisor. The positions of forest supervisor and deputy forest supervisor are filled by promotion or transfer from classified positions in the Forest Service.

**District Rangers.**

The routine work involved in the supervision of grazing, timber sale, free use, special use, and other contracts and permits, the direction of the protection and improvement plans, and the examination of and report on applications for any use of the Forest, including settlement and other claims, will be performed by rangers, who will be in entire charge of the work of such character within their ranger districts. The number of ranger districts into which a National Forest should be divided will be determined by the supervisor, with the approval of the district forester. The aim should be to so divide the Forest that in each district all of the regular work can be handled efficiently by one well-qualified ranger if granted the necessary temporary assistance. There is, of course, a practical limit to the area which can be handled by one officer, even with the most liberal assistance. So far experience has proven that ordinarily an area of approximately 200,000 acres represents this limit, though in exceptional cases the area may be greater. The area will, however, depend on the value of the Forest property, the extent of its use, and the availability of temporary assistance when most needed. Where such assistance can not be obtained, or where there is constant heavy work, it may become advisable to establish smaller districts. Where means of travel and communication are good, however, or where there is only a small volume of business, or where the fire hazard is low, districts larger than 200,000 acres may be established. The district ranger should have their headquarters at the nearest business center, or, if that is impracticable, permanent headquarters should be provided on the Forest.

<sup>a</sup> Instructions added; effective Oct. 1, 1917. (7-A)

#### **Assistants for District Rangers.**

When the work is too heavy or too complex to be handled by the district ranger alone, and yet does not make it advisable to divide the district, forest assistants, assistant rangers, guards, or other officers should be assigned to the district for such period as may be necessary.

#### **Project Assistants.**

Ordinarily project assistants will be under the direction of the district ranger, but in special cases, as in large timber sales, they may be given exclusive authority by the supervisor over a specific project, in which case they will have the standing of district rangers. Such assistants should, so far as possible, be kept on distinct lines of work.

Temporary employees who show special aptitude for specific lines of work should be kept on duty for the maximum period when this is practicable, because properly qualified assistants can secure the necessary training and experience only in the Service.

#### **Data for Working Plans to be Obtained by Specially Qualified Assistants.**

The work involved in making Forest surveys necessary to the preparation of definite plans of management for timber, grazing, settlement, special uses, administration, and protection will be performed by officers specially qualified, such as forest examiners, logging engineers, lumbermen, grazing examiners, members of the district office, or by the supervisor or deputy supervisor.

#### **Preparation for Making Working Plans.**

Plans, with estimates of cost for such surveys, will be made by the supervisor in accordance with the instructions given in the Working Plans section of the Manual. The district forester will determine those to be undertaken and have general direction over the details of execution and the personnel of the parties conducting the field and office work. Such parties will, however, while in the field be under the direction of the supervisor.

#### **Allotment for Working Plan.**

The allotment of money for the preparation of working plans will be made by the district forester in accordance with the plan approved by the Forester. When a project has been determined upon the district forester will allot to the supervisor the necessary money for its completion. Separate records should be kept of the cost of each project.

#### **Nontechnical Assistants.**

Work of a nontechnical character which can not be performed by the regular force will be performed by assistant forest rangers, forest guards, field assistants, and temporary laborers. Such assistants should be employed only for a particular purpose, and their salaries and expenses should be paid from a special allotment for that purpose. They are directly responsible to the officer directing their work. The instructions for each piece of work will include estimates for the expense of such assistance.

#### **Clerical Assistants.**

The forest clerk ordinarily will perform all the routine clerical duties of the supervisor's office. His salary will be charged to the general administration of the Forest. Other permanent or temporary clerks may be employed when the business of the office warrants, but unless the major portion of their time is actually occupied in routine duties their salaries will be charged to the particular line of work upon which they are engaged. The same policy will apply to draftsmen.

### **ANNUAL ALLOTMENT ESTIMATE.**

On April 1 of each year a report will be submitted by the supervisor to the district forester containing (A) a statement of the business of the Forest, (B) an outline of its organization, and (C) an estimate of the allotments required during the ensuing fiscal year.

#### **The Business of the Forest.**

(A) The business of the Forest should be discussed under four headings: *Administrative work*, *Protective work*, *Constructive work*, and *Receipts and expenditures*.

Under *administrative work* should be estimated for the following year, by ranger districts:

(1) The amount of timber to be estimated, sold, and cut, and the number of sales.

(2) The amount of timber to be cut under free use and the number of permits.

(3) The amount of stock to be grazed, by classes, and the number of permits.

(4) The number of settlement, special use or easement, and claims cases to be examined.



(5) Any other kinds of administrative work to be performed (i. e., work related to the immediate use of the Forest).

Under *protective work* should be given, by districts and classes, the value of the destructible resources of the Forest, the fire liability, and the fire hazard or risk.

The value of destructible resources consists of—

- (1) Appraised value of merchantable timber.
- (2) Expectation value of young growth, excluding areas where the method of cutting will not utilize young growth now established.
- (3) Commercial value of forage.
- (4) Value of land for watershed protection, including all timbered and brush areas. This valuation will necessarily be arbitrary and should be standardized in each district at fixed rates per acre for various types and localities. Such rates will be based upon the relative influence of various types of cover upon streamflow as far as determinable, but primarily upon the extent to which the streams are used for industrial purposes and the consequent need for protective cover.

The fire liability is the part of the foregoing values which are liable to be destroyed by fire.

The fire hazard to which each portion of the Forest is subject should be stated as concretely as possible, considering (1) sources of danger, (2) kind of fires liable to occur, and (3) ease or difficulty of control as determined by accessibility, protective equipment, available labor, etc.

The total value of the destructible resources indicates in concrete form the Forest property to be protected. On the fire liability and fire hazard, however, depend the intensity of the protective work, or insurance, required. Both together should be used by the supervisor and district forester to check expenditures for protection on the Forest as a whole and on its component parts. The usefulness of this check is primarily as to the relative needs of different Forests and districts. Each district forester should, therefore, standardize the bases for determining total values, liability, and hazards that they may be uniform for similar conditions on all Forests. (See section on protection from fire.) Where the valuation of resources, fire liability, and fire hazard have been accurately determined in a forest plan, these items need not be further reported under Forest business unless revised data affecting the expenditures for protection are secured.

Under *constructive work* should be reported the work which should be done during the following fiscal year in—

- (1) Construction and maintenance of improvements, listing projects separately, and showing their relation to the improvement plan of the Forest.
- (2) Preparation of a Forest plan, including timber reconnaissance not required for pending sale applications, grazing reconnaissance, and classification or agricultural lands.
- (3) Reforestation, including seed collection, field seeding or planting, and maintenance of existing nurseries.
- (4) Any other lines necessary as part of the permanent development of the Forest.

Under *receipts and expenditures* should be estimated the total revenues and expenditures for the current fiscal year, classified in accordance with the Manual of Accounting. The classification of expenditures should show, as far as practicable, the cost of administrative, protective, and constructive work separately, and of each of the major lines of administrative and constructive work.

#### Outline of the Forest Organization.

(B) The organization of the Forest will be shown by—

(1) A map on a half-inch scale showing ranger districts and headquarters; the location of the larger timber sales; free-use areas; important special uses; and other administrative projects; the more essential features of the protective organization; and the location of major permanent improvements and areas where reconnaissance or land classification is proposed.

(2) A statement of the number and areas of ranger districts, with the cost, salary, and expenses of the permanent force in each; the number and cost of

temporary assistants required on each class of administrative work, on protective work, and on constructive work, respectively; the executive force at the Forest headquarters and its annual cost; and the clerical force, permanent and temporary, required, together with its cost.

#### **Estimate of Allotment.**

(C) The estimate of allotments for the ensuing fiscal year, based upon the statements of Forest business and organization, should forecast the cost of each line of work during the next year by classes of expenditures as prescribed in the Manual of Accounting. The cost of administrative, protective, and constructive work should be indicated separately as far as the organization of the force makes this possible.

### **ANNUAL APPROPRIATION ESTIMATES.**

Estimates for appropriations for the fiscal year following the next ensuing fiscal year will be submitted on April 1 by the supervisor to the district forester. These estimates will be submitted by lines of work and classes of expenditures in accordance with the Manual of Accounting. They will be based upon the allotment estimates for the ensuing year, with such changes as a forecast of the business and most efficient organization of the Forest make advisable. To secure uniformity, the district foresters will issue detailed instructions on the preparation of these estimates.

On May 1 the district forester will submit complete estimates for the district to the Forester.

### **THE FOREST FORCE.**

#### **Permanent Force.**

The permanent force employed in the field work involved in directing the use, protection, and improvement of the National Forests, under supervision of the supervisor, comprises such of the following positions as the Forest business may require: Deputy supervisors, rangers, forest examiners, forest assistants, logging engineers, lumbermen, scalers, grazing examiners, and grazing assistants.

#### **Clerks.**

Clerical work in the supervisor's offices is performed by forest clerks, assisted by additional clerks if the amount of business warrants. The position of forest clerk, and of all clerks except those employed temporarily, is in the classified service and is filled by transfer or by appointment from the register of eligibles obtained from competitive examinations held by the Civil Service Commission. When list of availables can be furnished by the commission temporary clerks are selected from such lists.

#### **Temporary Employees.**

Forest guards, field assistants, and laborers may be temporarily employed in the use, protection, and improvement of the National Forests. No civil-service examination is required. The employment of forest guards and field assistants is limited to the usual field season, but that of unskilled laborers may be continued as long as absolutely required. Forest guards and laborers are selected by the forest supervisors, and field assistants, whose only authorized employment is in reconnaissance parties, by the district foresters.

#### **Salaries and Promotions.**

The rates of compensation of forest officers on the miscellaneous roll are fixed by the Secretary. Statutory positions are established by act of Congress. Promotions will be based strictly on merit, length of service, and the possession of qualifications required for each position. The district foresters will issue instructions annually to the supervisors, outlining the policy which must be followed in fixing the compensation of forest guards and other temporary employees. Such instructions will be based on reports from the supervisors, giving local rates of compensation from private employers, and the relative cost of living. They should recommend the rates of compensation which the Service should offer to obtain the right kind of men.



**a Leave of Absence.**

It should be understood by all members of the Service that the granting of annual leave of absence is entirely within the discretion of their superior officers, and that in case of urgent work or other special necessity it may be impracticable to grant them the whole or a part of the annual-leave period.

<sup>b</sup> Members of the Forest Service on duty outside of Washington, except in Alaska and Porto Rico, may be granted leave of absence with pay for a period of not to exceed 15 days annually, or at the rate of  $1\frac{1}{2}$  days per month. In case of sickness there may be granted an additional leave of absence with pay not to exceed 15 days annually, or at the rate of  $1\frac{1}{2}$  days per month. Members assigned to permanent duty in Alaska and Porto Rico may, without additional expense to the Government, be granted leave of absence not to exceed 30 days in any one year, which leave may, in exceptionally meritorious cases, where the member is ill, be extended not to exceed 30 days additional in any one year.

Subject to the time limits stated in the foregoing paragraph and other limitations imposed by the Administrative Regulations of the department annual and sick leave may be granted by the district forester to supervisors and to officers and employees in the district not assigned to individual Forests and by supervisors to local forest officers and employees.

<sup>b</sup> Every applicant for leave of absence without pay, whether for 1 day or longer, must state in writing the specific reason therefor. Leave without pay for more than 15 days will be granted only by the chief clerk of the department. Applications for leave without pay exceeding 15 days but not exceeding 30 days should be accompanied by a memorandum recommendation to the Forester. Applications for periods in excess of 30 days should be accompanied by formal recommendation to the Secretary of Agriculture. The memorandum or formal recommendation should state the nature of the business or emergency necessitating the absence and be accompanied by the written application. Leave of absence without pay for periods not exceeding 15 days may be granted by the district forester to supervisors and to officers and employees not assigned to individual Forests and by the supervisors to local forest officers and employees for any of the following reasons:

- (1) Personal illness of the employee.
- (2) Death, illness, or other exigency in the employee's family connection.
- (3) Emergencies in the employee's purely personal affairs which would result in financial loss or other hardship to him if he were required to remain on duty; provided that the public business will not suffer as a result of his absence.
- (4) Inability to report for duty promptly at the end of annual-leave period because of interruption in means of travel or for any of the causes mentioned in paragraphs (1), (2), and (3).
- (5) Observance of religious holidays when the leave is applied for as a matter of conscience.

<sup>c</sup> (6) Necessary rest and recuperation in cases not involving actual illness. Leave of absence without pay may be granted for this reason when the officer passing upon the application is satisfied that the applicant actually needs, for the purpose stated, a period of leave in addition to the regular allowance of annual leave, and that his work is in such condition that the public interests will not suffer from his absence.

Leave without pay for either of the following reasons must not be granted:

- (1) Engaging in any private business enterprise as principal or employee.
- (2) Vacations in excess of annual-leave allowance when not necessitated by the condition of the employee's health.

It is expected that discriminating judgment will be used in granting leave of absence without pay and that the authority will be exercised in such a way that the best interests of the department will be served. Applications for any reason not coming within the above permissive list should be referred in advance to the Forester for decision by the chief clerk of the department.

The district foresters will submit to the Forester monthly reports of the leaves of absence without pay granted under the 15-day authority in their respective districts. The reports should state the name of the employee, his official designation, and the specific reason for granting the leave.

**Administrative Furlough.**

Forest officers are furloughed without pay at the instance of their superior officer, when on account of lack of funds or cessation of work, it becomes inadvisable to keep them on the pay roll. Officers on furlough have the same rights under the civil-service rules and regulations as have officers on active duty, and when funds again become available or work is resumed, they must be given preference. In case they do not desire to be restored to active duty, they should either resign or apply for leave without pay.

<sup>a</sup> Paragraph modified; effective Apr. 1, 1919. (11-A) <sup>c</sup> Paragraph added; effective Apr. 1, 1920.

<sup>b</sup> Paragraph modified; effective Apr. 1, 1920.

The period of furlough is limited to one year from the last date of actual employment. If the lack of funds continues, or for other administrative reasons the work is not resumed at the end of this period, separation from the Service should be recommended. Reinstatement is possible, however, at any time within one year from the date of separation from the Service, and employees separated from the Service under the above conditions should be given preference if the work is resumed during the period of eligibility to reinstatement.

**<sup>a</sup> Compensation for Injuries.**

The Federal compensation act approved September 7, 1916, makes provision for the payment of compensation to employees of the Government for disability or death resulting from personal injuries sustained while in the performance of their duties, except when the injury or death is caused by the willful misconduct of the employee, or by the employee's intention to bring about the injury or death of himself or of another, or when intoxication of the injured employee is the proximate cause of the injury or death. <sup>b</sup> The act also provides for reasonable medical, surgical, and hospital services and supplies, for transportation if necessary for the securing of the proper medical, surgical, and hospital treatment, for transportation of body of resident of United States dying away from home station, if relatives desire it, for burial expenses not to exceed \$100, and for compensation to dependent relatives if death results from the injury. Compensation is paid from a separate fund created by the act and designated the employees' compensation fund. No compensation is paid for the first three days of disability. The rate of compensation paid to the injured employee during disability or to his dependent relatives in case of his death is limited to two-thirds of his monthly pay, with the proviso that in no case can such rate of compensation be more than \$66.67 nor less than \$33.33 per month unless the employee's monthly pay is less than \$33.33, in which case the full amount of his monthly pay is paid as compensation.

The United States Employee's Compensation Commission, which administers this statute, has issued complete instructions governing the procedure of employees entitled to take advantage of its provisions. These instructions are furnished to all administrative and executive officers.

**<sup>c</sup> Examinations and Appointment.**

**REG. A-1.** Only qualified citizens of the United States, who are between the ages of 21 and 40, are eligible for ranger examinations. Selection for appointment will be made when practicable from qualified citizens of the State in which the National Forests, respectively, are situated. These qualifications will not be waived under any circumstances.

**Selection.**

<sup>d</sup> Vacancies are filled by transfer or promotion within the Service, or by selection from eligibles certified by the Civil Service Commission. In selecting men from the civil-service registers, care should be taken to look into their character and reputation, so that unfit men may be prevented from entering the Service. If a person on the eligible list is found to be unfit his name should be passed, and the facts reported promptly to the district forester.

<sup>e</sup> The experience and training necessary to pass the ranger examination can be obtained in but few occupations outside of the Service, and usually eligibles on the register are persons who have been employed in some capacity on the Forests. In selecting forest guards and other temporary employees the supervisor should, therefore, consider their natural aptitude and encourage promising appointees to perfect themselves in all branches of forest work.

**Probational Appointments.**

The civil-service rules provide for a period of probation, during which time appointees from the register may be separated for unsatisfactory services without the formalities required to terminate absolute appointments.

<sup>e</sup> The probational period is six months, except for logging engineers, forest assistants, grazing assistants, forest rangers, and assistant forest rangers. <sup>e</sup> For these five positions the period is one year. During the probational period the officer under whom the appointee is working will determine his ability to perform the duties of his position. The conclusion should not be hastily reached that the probationer is inefficient or incapable; but when the officer in charge is fully satisfied that the appointee is inefficient or incapable and that the public service will not be benefited by his retention, the facts should be reported to the district forester in ample time to permit the initiation of the action required under the civil-service rules. Retention after the expiration of the probational period constitutes an absolute appointment.

<sup>a</sup> Instructions modified; effective July 1, 1917. (12-A)

<sup>b</sup> Sentence modified; effective Apr. 1, 1919.

<sup>c</sup> Subhead modified; effective July 1, 1917.

<sup>d</sup> Sentence added; effective July 1, 1917.

<sup>e</sup> Sentence modified; effective July 1, 1917.



**Civil-Service Eligibles.**

<sup>a</sup>When appointments are required from any civil-service register, except for forest ranger and assistant forest ranger, the certification of eligibles will be secured from the Civil Service Commission by the district forester through the district fiscal agent. <sup>a</sup>Certificates which list all ranger eligibles are issued by the commission as soon as the examination papers are graded. A separate certificate is issued for each National Forest headquarters at which examination was held, and this certificate lists in the order of their ratings the eligibles who are legal residents of the State or States in which the National Forest is situated, and who took the examination at that Forest headquarters. Whenever any Forest certificate contains less than three names the selecting officer may be authorized by the district forester to make a group of three by drawing the highest name or names from the certificate of any other Forest within the same State. In addition to the certificates for the individual Forests within the State a supplemental certificate is issued for each State, and this gives the names of all the nonresident eligibles who took the examination within the State for which the certificate is issued. This constitutes an auxiliary register, and selection will be made from it only after all the eligibles on the individual Forest certificates have been considered in accordance with the civil-service rules. <sup>b</sup>The procedure in handling certificates of eligibles, for either permanent or temporary appointment, as given in paragraphs 64 to 91, inclusive, of the Administrative Regulations of the Department of Agriculture, revised to August 1, 1918, must be followed strictly.

**<sup>a</sup> When Names on Certificate may be Passed Over.**

<sup>c</sup> If an eligible refuses to accept an offer of employment on the Forest for which he was certified, he need not be considered further. If no vacancy exists on the Forest for which he was certified and he refuses to accept one of three offers of employment on other Forests in the same State, he need not be considered further for employment on any other than the Forest for which he was certified. Preliminary notice of cases of elimination for refusal to accept appointment must be given at once to the Forester through the district forester. In like manner, when an eligible has been considered in three separate groups of three, as required by the regulation, and not selected, further consideration of his name may be omitted. When it has come to the knowledge of the Forest Service since the date of the examination that an eligible was dismissed from the public service within one year next preceding the date of his application; that he is physically or mentally unfit for the position for which he applies; that he has been guilty of criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct; that he intentionally made a false statement in any material fact or practiced any deception or fraud in securing examination, reg-

<sup>a</sup> Sentence modified; effective July 1, 1917.<sup>c</sup> Sentence added; effective July 1, 1917.<sup>b</sup> Sentence modified; effective Apr. 1, 1919.





istration, or certification; or that he habitually uses intoxicating beverages to excess, his name may be passed over temporarily, pending the decision of the commission as to the validity of the objection, but the facts must be reported at once to the Forester through the district forester.

#### **Rangers Appointed for Administrative Work Only.**

Recommendations for the appointment of rangers from the civil-service register will be made only when the work to be done is administrative in character, or is to continue more than six months in the year.

#### **Ranger Eligibles for Protective Work Appointed Guards.**

a Men required for periods not extending beyond the usual field season, on protective work only, should be employed as forest guards, whether on the eligible list or not. In employing guards, however, supervisors are not required to select men from the ranger register unless such men are *locally* available.

#### **Requests for Certification.**

Except for assistant forest rangers the certification of eligibles requires some time, and supervisors should anticipate their needs and request certification at least a month before the vacancy is expected to occur.

#### **Procedure for Appointments, Changes of Grade or Assignment, and Separations.**

When a supervisor wishes to recommend an appointment, promotion, reduction, acceptance of resignation, furlough, restoration from furlough, leave of absence without pay, restoration from leave of absence without pay, suspension, removal, separation, or transfer, he will submit his recommendations as memorandums to the district forester, giving name of appointee, State of legal residence, designation, salary, roll (statutory or miscellaneous), and date effective, and, in the case of temporary employees, the period of employment. The memorandum should, whenever possible, be prepared and forwarded some time in advance of the date upon which the action should be effective. If, however, it is impracticable to forward it before the action becomes effective, it should be forwarded as soon as possible after the exact date is known. In memorandums calling for promotion, reduction, suspension, removal, and transfer, the date effective should be set sufficiently far ahead to secure the Secretary's action before it becomes effective. Such memorandums, when initialed to show approval by the district forester, will be forwarded to the district fiscal agent as the basis for recommendations to the Secretary, for the signature of the Acting Forester. The carbon of the letter of recommendation to the Secretary will be initialed by the district forester and the district fiscal agent.

To avoid unnecessary duplication, the district foresters are authorized to make exceptions to the requirement that memorandums be submitted as above in the cases of any supervisors who in their judgment can submit the form letters or recommendation to better advantage than by submitting the data in memorandums.

#### **Letters Recommending Personnel Changes.**

Letters of recommendation to the Secretary of Agriculture, for the signature of the Acting Forester, should be prepared with black record ribbon, with three carbon copies. The original recommendation and two carbon copies will be sent to Washington, and the third carbon held by the district fiscal agent in a waiting file. If any change is made in the recommendation as submitted, a carbon copy showing the change will be sent to the district fiscal agent. If, however, the letter is signed as submitted, a carbon copy stamped with the signature of the Acting Forester will be returned to the district fiscal agent for substitution for the waiting-file carbon, which will then be destroyed.

Recommendations should always be written on letter paper headed: "United States Department of Agriculture, Forest Service." In every case these letters should be prepared without date.

#### **Care in Giving Names.**

Names must be correctly given in recommendations, and not nicknames or slang names. Care must be taken to give the name in a recommendation for appointment exactly as it appears on the certificate of the Civil Service Commission. In the case of guards, the first name, middle initial or initials, and surname in full should be given,

#### **Administrative Letters.**

Recommendations by the supervisor in cases involving promotion, reduction, suspension, removal, and transfer should be made in administrative letters giving all the facts.

#### **a Reports on Probational Appointees.**

During probation three reports on the quality of the employee's services are required. For logging engineers, forest assistants, and rangers these reports will be made promptly at the end of the sixth, ninth, and eleventh months, and for all other employees at the end of the first, third, and fifth months. If the services of the probationer during the period covered by the report are entirely satisfactory, a statement to that effect in the answer to question 8 on the prescribed form will be sufficient, but when this is not the case a concise statement of the respects in which the probationer's services fall short of being satisfactory should be given. In the final report a definite recommendation will be made in the answer to question 9 as to the probationer's fitness for absolute appointment. If the recommendation is adverse, the final report will be accompanied by a formal recommendation that the appointment be terminated. A sufficient number of carbon copies of each report should be made to furnish one for the file of the supervisor or other superior officer making the report, one for the district or Madison office file, and one to be sent to the Forester with the report bearing original signature.

#### **b Removals and Reductions.**

Removals or reductions may be made for any cause which will promote the efficiency of the Service, but like penalties must be imposed for like offenses and no discrimination for political or religious reasons is permitted. When in the judgment of the district forester action is necessary looking to the removal of an employee in the classified service the district forester will submit a report to the Forester accompanied by all the evidence in the case, the papers being submitted in duplicate. The reasons for the proposed removal, together with any charges preferred against him, will be presented in writing to the employee by the Secretary of Agriculture, and the employee will be allowed sufficient time for answering the same in writing, and for the filing of affidavits in support of his answer; but no examination of witnesses nor any trial or hearing is required except in the discretion of the Secretary of Agriculture. If the charges are sustained, the formal recommendation will be prepared in Washington.

If removal during the probational period or termination of appointment at the end of this period is proposed, the report of probational services will be accompanied by a formal recommendation that the appointment be terminated, in which the reasons given will be in exact accordance with the statements made in the report. The recommendation will be accompanied by two copies of a letter written by the proper officer to the probationer informing him of the respects in which the services are unsatisfactory and that the termination of the appointment is being recommended to the Secretary of Agriculture.

When reduction in grade or salary for either administrative or disciplinary reasons is proposed, the reasons for the action should be stated to the employee in writing by the district forester, but it is not required that the employee be called upon to answer such reasons. The formal recommendation for the reduction, however, which should give a concise statement of the reasons for the proposed action, should be accompanied by a copy of this communication in duplicate.

#### **Time Limit to Suspension Pending Disciplinary Action.**

Pending action looking to removal or reduction for misconduct or delinquency a member of the Service may be suspended by the Secretary for a period not to exceed 90 days, but the reasons for such suspension must be given in the recommendation to the Secretary of Agriculture. The prior consent of the Civil Service Commission is required for any extension of the period beyond 90 days. If the member is charged with Government property, approval of his salary and reimbursement vouchers should be withheld until the property accountability has been satisfactorily settled.

#### **a Termination of Appointments of Temporary Employees.**

When the termination of the appointment of a temporary employee is recommended because of the completion of the work for which he was engaged and not because of inefficiency or misconduct, the reason given in the formal recommendation should be



as follows: "The services of this temporary employee are no longer needed because of completion of work." When the action is recommended because of misconduct or unsatisfactory services, the reason should be as follows: "The termination of this temporary appointment is recommended because the employee's services are unsatisfactory in the following respects:" adding a concise explanatory statement.

**\* Resignations.**

Recommendations for the acceptance of resignations should in every case state whether the resignation is voluntary or is submitted in preference to answering charges. In the first case the reason given in the recommendation should be: "This resignation is voluntary." When the resignation is submitted in preference to answering charges the reason should be given as follows: "This resignation is submitted in preference to answering charges which would otherwise have been necessary because of the unsatisfactory character of the employee's services in the following respects:" adding a concise explanatory statement.

**Assignment.**

When making personnel assignments the supervisor should carefully consider the fitness of the man for the particular project. This precaution not only obtains better results but is more just to the man. No one should be assigned to work which he can not perform satisfactorily. Fully qualified men can be obtained, however, only rarely, and in order to insure the greatest possible degree of success the officer in charge should see that inexperienced men are furnished with the most explicit instructions. These instructions should cover not only the methods of doing the work but should include suggestions as to proper equipment and any other information which may prove of value.

**<sup>b</sup> Authority to Assign or Transfer.**

The supervisor has authority to assign or transfer men on the Forest of which he is in charge, but transfers to other Forests, after being arranged for tentatively, must be approved by the district forester and must be reported to the Forester when the transfer is made. The transfer of technical employees to or from research work or grazing studies within or between districts, after being arranged for tentatively by the district foresters, must be approved by the Forester. The district foresters may arrange for the transfer between districts of rangers and clerks and of technical employees when research work or grazing studies are not affected, but such transfers should be reported to the Forester when made, and, if they involve changes in the district allotments, the district forester will at once recommend the necessary increase or decrease in the district allotments. <sup>c</sup> The district foresters may assign and transfer deputy forest supervisors, rangers, and clerks within their respective districts, but such assignments and transfers should be reported to the Forester when made. The assignment or transfer of executive officers, such as assistant district foresters or supervisors, within or between districts, may be arranged for tentatively by the district foresters, but must be approved by the Forester.

**BETTERMENT OF THE FORCE.**

**Supervision.**

To judge a man's efficiency it is necessary that the officer in charge shall have an intimate knowledge of his character, mentality, and ambitions. This can be obtained only by actual contact, and advantage should be taken of every opportunity to get into personal touch with the man and to watch his work in the field. Some men develop rapidly, others slowly, and this fact should be taken into consideration when determining an employee's present and possible future value to the Service.

Officers should not hesitate to extend praise for good work; in fact, it can almost always be given without danger. At the same time errors, negligence, or lack of industry should be pointed out as soon as they are discovered.

<sup>c</sup> Instructions modified; effective July 1, 1917. \* Sentence added; effective July 1, 1917.

<sup>b</sup> Instructions modified; effective July 1, 1916.

#### **\* Inspection.**

Inspection outlines for each essential activity will be prepared by the district forester. Each man having authority to supervise or inspect any line of work will when on a Forest carry at least the outline pertaining to his special line of work and shall use the outline to make records of conditions found. His notes or records should be put in such shape that they can be used by others.

Supervisors and assistant district foresters should be provided with a complete set of inspection outlines.

A central file of these inspection notes or reports will be maintained in each district and supervisor's office to facilitate the use of such records by inspectors from the district and Washington offices.

The inspection outlines should be revised at least once a year to keep them up to date on policy, technique, and on relative emphasis to be placed on different activities or different phases of the same activity. The constant change and growth in the policies of any live organization make frequent revision necessary in order to keep outlines from becoming obsolete. These outlines should be the authoritative expression from the district forester as to what is essential in the work of any Forest or activity and how emphasis should be placed.

These inspection records will be referred to and used in connection with all efficiency ratings and promotions. Forest officers should be made to feel that they will be judged strictly by recorded observations of their accomplishments in the lines of work for which they are responsible and that a comprehensive system exists for collecting, digesting, and using information of this kind.

#### **Development of Employees.**

The members of the regular force on the Forests are not specialists but must be proficient in all lines of work. Experience is required to develop this proficiency, hence supervisors should give their officers opportunity to obtain wide training and experience, and should make assignments with this end in view.

\* Instructions added ; effective Oct. 1, 1920.



During the winter, when many rangers are not fully occupied with routine business, the supervisor should assign to them duties of such character as improve the quality of their work. The ability to draw good maps is of great importance; at the same time it is an ability which many officers do not possess. Suitable instructions should be issued on this subject and compliance with them made a part of the officer's duties. Likewise, a course of instruction in the use of the typewriter will prove of value. Many other subjects, such as surveying and estimating, could well be covered by such instructions and if carried out would result in greatly increased efficiency.

#### **Ranger Meetings.**

To give forest officers the benefit of one another's experience, to keep them in touch with the entire work of the Forest, and to promote esprit de corps, an annual meeting should be held of the entire force on each Forest. When a supervisor desires to hold such a meeting he will submit to the district forester for approval or revision a detail statement which will include the place of meeting, the program, the date and period, and the cost in traveling expenses, together with some statement as to whether the meeting will interfere with the work on the Forest.

When feasible, joint meetings of the force on adjoining Forests should be arranged, and the district forester should, if possible, assign members of his office to attend every ranger meeting.

#### **Rangers' Reading Courses.**

The district foresters should prepare outlines of courses of reading for the rangers which will cover the various subjects and contain references to the available books. This will insure an intelligent and systematic use of the books in the Forest libraries. These outlines may be supplemented by lists of questions to be answered by the ranger students after the reading course is completed. The details of the plan and its execution will be left, however, to the district foresters.

#### **a Details to Forest Offices.**

To familiarize the rangers with the general routine of Forest business and with matters outside of their districts, each supervisor will arrange for temporary office details from his ranger force. Such details must not interfere with field work or occasion an increase in the force, and should not exceed 30 days in duration. An important result of the detail will be the training and development of the ranger. As a rule, office work outside the duties of the supervisor and his deputy can be done better and more cheaply by clerical help.

#### **a Details to District Offices.**

The district forester will detail supervisors, deputy supervisors, forest assistants, and, in case of special efficiency, forest rangers, to assist as needed in the district offices of Operation, Lands, Silviculture, Grazing, and Products for periods not to exceed 30 days except in cases of emergency when details may be extended by securing the approval of the Secretary in advance of the termination of the 30-day period. The total number of such details to any district office for any one year will be determined by the district forester.

#### **a Details to Washington Office.**

To keep close touch between officers in Washington and in the districts, the Forester will call district foresters and assistant district foresters into Washington for details not exceeding periods of 30 days except in cases of emergency when details may be extended by securing the approval of the Secretary in advance of the termination of the 30-day period. These details may be to aid in the general administration of the Service, for conference on important points of policy, or for special work.

To prevent serious interference with the plans in the districts, the district foresters will be called upon for suggestions and recommendations before any detail is made from a district office to Washington.

### **CONTROL OF THE FORCE.**

#### **b To Prevent Embarrassment to Superior Officers.**

In the preparation of correspondence to the public, to Members of Congress, and to officials of other departments of the Government which involve important questions of policy, or discussions of proposed or pending legislation in which the Forest Service is interested, it is important in order to preclude embarrassment to the For-

ester and the Secretary of Agriculture that extreme caution be taken to avoid making statements that may be in conflict with statements which may have been made by these officials. The same degree of caution should be exercised in the preparation of articles for publication in magazines, in information for the press, and in public addresses. It should be borne in mind that it is not always possible to keep field officers fully informed of contemplated action or attitude toward new legislation, and accordingly it will usually be advisable to refer to the Forester for any action that may be deemed proper, any letters of inquiry concerning such matters that are received from persons outside of the Service.

#### **Relations Between Officers.**

The grade of efficiency and service demanded by Forest Service work can not be obtained by the mechanical enforcement of rigid rules such as govern military organizations. A different type of service is required, based upon close observation of the character, ability, experience, and judgment of each individual.

Instructions and not orders should be issued by superior to subordinate officers. A dictatorial manner or a lack of courtesy merely arouses resentment and tends to kill the self-respect, self-reliance, and initiative which a good forest officer must have.

On the other hand, subordinates should carry out their instructions with intelligence, energy, and loyalty, in order that peremptory orders may not become necessary.

Each man should exercise unfailing patience, tact, and comradeship, and the most persistent and conscientious efforts to assist and cooperate with his fellow officers.

#### **Outside Employment.**

All employees are expected to give their entire time to the service. In exceptional cases permission to engage in outside employment may be obtained from the Secretary of Agriculture, on the recommendation of the Forester. When such permission is desired, the member concerned should address his request to the Secretary of Agriculture, in accordance with section 34 of the Administrative Regulations, giving a statement of the kind of work contemplated, and that it will not hamper or interfere with his work for the department. If his immediate superior approves the request, he will initial and forward it to the Forester through the proper channels.

#### **Patents.**

Employees of the Department of Agriculture are prohibited from patenting for their exclusive benefit any device, process, or discovery connected with the work of the department, provided such device, process, or discovery is made at the expense of Government time or Government money, or both. When an employee makes any new and useful discovery or invention in the course of his employment he should make application for a patent through the district assistant to the solicitor.

The patent will be taken out in the name of the inventor without any expense to him, and will allow to any citizen of the United States the use of the patented article or process without payment of a royalty.

#### **Misconduct.**

Conduct detrimental to the work of the Forest Service, or subversive of discipline, such as disobedience of orders, negligence, insubordination, dishonesty, inefficiency, drunkenness, disreputability, or a prejudicial personal interest in the exploitation of the resources of the Forest, renders the offending officer subject to disciplinary measures. Members in doubt as to the application of the rules to their private actions should seek the advice of their official superiors.

#### **Rules for Conduct.**

The following specific rules for conduct have been adopted:

(1) No member of the Forest Service shall, under any circumstances, file or initiate a claim, directly or indirectly, under any of the public-land laws, to land within the limits of a National Forest. A member who has secured a claim under any of the public-land laws to such land, before its inclusion within a National Forest or before his appointment as a forest officer, will be allowed to perfect his title, but may be compelled to choose between his claim and his position should his duties make it impossible for him to comply with the residence or improvement requirements.

(2) A member of the Forest Service may acquire land not included within a National Forest, under any of the Federal or State land laws, or have an interest in any association, partnership, or company formed with a view to acquiring such land, unless such action might prejudice his standing as a forest



officer, influence his official action, or tend to bring criticism upon the Forest Service.

(3) A member of the Forest Service may purchase private land within or near a National Forest, unless such action might prejudice his standing as a forest officer, influence his official action, or tend to bring criticism upon the Forest Service.

(4) No member of the Forest Service shall, as principal, partner, or agent, speculate or be commercially interested in timber or other forest products, or in live stock, or in any ownership or lease of any timberland, or in any lumbering contract or operation, whether on the National Forests or elsewhere, when such action will prejudice his standing, influence his official action, or tend to bring criticism upon the Forest Service.

(5) No member of the Forest Service shall, as principal, partner, or agent, be interested in any enterprise which profits by the use of any National Forest on which he is employed or by any investigation or other work in which he may be engaged, except as otherwise provided herein.

(6) No member of the Forest Service shall, directly or indirectly, engage in or profit by private business transactions with or receive gifts from a National Forest user or others with whom he has official relations which might influence his official action or tend to expose the Forest Service to criticism.

(7) It is improper for any member of the Forest Service to grant any privilege or permit by which he or any member of his family will profit, directly or indirectly. Such permits may be issued only by his official superior.

(8) Whenever in granting a permit or in making any decision or recommendation the good faith of a member of the Forest Service might be questioned, on the ground that the action was influenced by personal friendship, family relationship, or business interests, the forest officer may refer the case to his official superior when in his judgment this course is advisable in order to protect himself and the Service.

(9) No member of the Forest Service shall give or use information acquired by means of his official position to advance the interests of himself, his family, his business associates, or his personal friends over those of other persons.

(10) No member of the Forest Service shall engage in any speculation, mercantile transaction, or other activity of a character to engross his attention or to divert it from his public duty.

(11) A forest officer is a representative of the National Government, and as such his acts as a private individual are particularly open to criticism and may reflect on the Service. Consequently he must set and hold to a high standard of personal conduct and integrity that will safeguard the Service against criticism and embarrassment.

(12) The orders prohibiting political activity, which follow, will be strictly enforced.

**POLITICAL ACTIVITY.**—Rule 1, section 1, of the civil-service rules reads as follows:

No person in the executive civil service shall use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. Persons who by the provisions of these rules are in the competitive classified service, while retaining the right to vote as they please and to express privately their opinions on all political subjects, shall take no active part in political management or in political campaigns.

The first sentence of the rule applies to every person in the executive civil service, irrespective of the method of his appointment. The second sentence of the rule applies to all persons holding positions in the competitive classified service, whether the appointment be permanent or temporary in character, and by departmental action has also generally been made applicable to unclassified laborers.

The following forms of activity have been held to be forbidden by this provision:

Service on political committees; service as delegates to State, county, or district conventions of a political party, although it was understood that the employees were not "to take or use any political activity in going to these conventions or otherwise violate the civil-service rules"; service as officer of a political club, as chairman of a political meeting, or as secretary of an antisaloon league; continued political activity and

leadership; activity at the polls on election day; the publication or editing of a newspaper in the interests of a political party; the publication of political articles bearing on qualifications of different candidates; the distribution of political literature; holding office in a club which takes an active part in political campaigns or management; making speeches before political meetings or clubs; activity in local-option campaigns; circulation of petitions having a political object, of petitions proposing amendments to municipal charter, of petitions favoring candidates for municipal offices, and of local-option petitions; candidacy for or holding of elective office; accepting nomination for political office with the intention of resigning from the competitive service if elected; recommendation by clerks and carriers of a person to be postmaster; service as a commissioner of election in a community where it was notorious that a commissioner of election must be an active politician; service as inspector of election, ballot clerk, ballot inspector, judge of election, or member of election board; or generally any form of activity in political management or political campaigns, though not specifically mentioned above.

Inasmuch as the issuance of a certificate for reinstatement is discretionary with the Civil Service Commission, no certificate will be issued in any case where the party applying for reinstatement has previously resigned with a view of running for office, or with a view of indulging in a degree of political activity which would be prohibited if he had remained in the service, and who afterwards, having failed in his candidacy or having indulged in the contemplated activity, seeks reinstatement.

**POLITICAL ASSESSMENTS OR CONTRIBUTIONS.**—The civil-service act (22 Stat., 404) provides that "no person in the public service is for that reason under any obligations to contribute to any political fund, or to render any political service, and \* \* \* he will not be removed or otherwise prejudiced for refusing to do so." Section 118 of the Criminal Code provides that no Federal officer or employee shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any political assessment, subscription, or contribution from any other Federal officer or employee. Section 120 of the Criminal Code prohibits the discharge, promotion, or degrading of any officer or employee for giving or failing to make any political contribution. Section 121 of the Criminal Code prohibits any Federal officer or employee from making any such political contribution to another Federal officer or employee, and section 119 prohibits the solicitation or receipt of any political contribution in any room or building occupied in the discharge of official duties by any officer or employee of the United States, or on other Federal premises by any person whatsoever, whether in the public service or not. In connection with this latter provision, the United States Supreme Court has held that a solicitation by letter or circular addressed and delivered by mail or otherwise to an officer or employee of the United States at the office or building in which he is employed in the discharge of his official duties is a solicitation within the meaning of the law, the solicitation taking place where the letter was received. Section 122 of the Criminal Code provides that whoever shall violate any provision of the four sections above mentioned shall be fined not more than \$5,000, or imprisoned not more than three years, or both.

It is the duty of the Civil Service Commission to see that the civil-service act and rules and the above-mentioned sections of the Criminal Code, which were originally enacted as a part of the civil-service act, are strictly enforced, and it will employ every legitimate and available means to secure the prosecution and punishment of persons who may violate them. The commission requests any persons having knowledge of any such violation to lay the facts before it, that it may at once take action thereon.<sup>a</sup>

<sup>a</sup> Section 13, under "Rules of Conduct," is stricken out; effective Nov. 4, 1915.



#### **Administrative Action in Personnel Questions.**

REG. A-2. Whenever the interests of the Government require it, the Forester, district foresters, or forest supervisors may relieve a subordinate officer or employee from duty and may order his pay withheld pending action by the Secretary of Agriculture suspending, furloughing, or dismissing him from the Service. Suspensions, furloughs, or dismissals ordered by the Secretary may become effective, with loss of pay, from the date upon which the officer or employee was relieved from duty.

#### **Disciplinary Measures.**

Action in cases of inefficiency or misconduct is necessary in every organization. In taking action, however, it should always be kept in mind that the object is the improvement of the Service and not the infliction of punishment or a means of satisfaction for any error, injury, or inefficiency on the part of a subordinate. Generally, severe measures have no greater influence than light ones, and the policy should be to administer only such disciplinary measures as will protect and maintain the standards of the Service.

It should also be remembered that disciplinary measures will never equal in effectiveness close inspection to prevent misconduct or inefficiency, and that a warning or reprimand administered promptly will, in most cases, render more severe measures unnecessary.

An employee may be relieved from duty and payment of salary withheld when the protection of the Government's interests require it, but no separation from the pay roll will be made until the reasons have been approved and the action ordered by the Secretary of Agriculture.

#### **Reprimand.**

A formal written criticism or reprimand should be made for misconduct or negligence which is more reprehensible than that which can be orally reprimanded, yet not sufficiently censurable to demand a more severe form of disciplinary action.

#### **Disciplinary Transfer.**

When the conduct of a forest officer has rendered it difficult or impossible for him to give that service which his superior has a right to demand, but which will not destroy his value to the Service in another position or on another Forest, he may be transferred.

#### **Disciplinary Furlough.**

In cases of misconduct which warrant more than a reprimand, but where the offense is not sufficiently grave to justify demotion or removal from the Service, forest officers will be furloughed without pay for a period of not less than 30 days nor more than 90 days, as the seriousness of the offense may warrant, but this action must not be taken until the reasons have been approved and the action ordered by the Secretary of Agriculture.

#### **Suspension.**

In case of particularly flagrant misconduct by a member of the Forest force which may result in removal from the Service, the supervisor may relieve him from duty immediately, at the same time reporting the circumstances in detail to the district forester, with definite recommendations for suspension, furlough, or dismissal. Ordinarily, however, the supervisor should first report the facts to the district forester, recommending a suspension pending further investigation or the final disposition of the case. Suspension or furlough usually involves loss of pay for the period. If the district forester approves the recommendation of the supervisor, he will immediately forward to the Forester a recommendation for suspension or furlough without pay or for dismissal, by the Secretary of Agriculture, giving a full statement of the facts.

#### **Demotion.**

In general, an officer will be demoted only as the result of his inability to perform properly the duties of his position. In some cases, however, demotion is administered as a severe penalty for gross negligence or serious misconduct of an officer in a responsible position, where the officer's action does not destroy his usefulness to the Service. Demotions may be made in grade or in salary or in both.

**<sup>a</sup> Resignation in Preference to Answering Charges.**

When the usefulness of an employee is at an end by reason of misconduct or inefficiency which merits separation from the Service but does not necessitate subjecting him to the stigma of removal, if he is willing to resign, he should be informed of the respects in which he is deficient, and, at the same time, that before final action is taken he is entitled under the law to have charges preferred against him and an opportunity to answer them; that without prejudgment or foreclosure of the case the usual course of charges and answer will be pursued if he so prefers, but that in view of his previous record, if his resignation is voluntarily tendered, its acceptance by the Secretary will be recommended; that, on the other hand, if he prefers not to resign he will not be prejudiced thereby, that a recommendation will be made to the Secretary that formal charges be preferred against him, and that if this recommendation is approved and such action taken he will have a full opportunity to submit an answer to the charges, the answer being considered on its merits by the Secretary before a conclusion is reached.

If the employee resigns, all papers in the case should accompany the recommendation for the acceptance of his resignation, including a memorandum of any conversation that may have taken place regarding the matter.

Whenever practicable, a resignation submitted under the above circumstances should be made effective far enough ahead to enable the Secretary to consider the case before the date set.

**Removal.**

Removal is the extreme administrative penalty. Removal for misconduct which involves moral integrity constitutes a bar to any future employment in the classified civil service of the Government. Often it is a serious barrier to employment in private life, and for this reason should be resorted to only in the most flagrant cases. Recommendations for removal should be supported by convincing evidence and a complete history of all the circumstances which led up to it.

**Prompt Action in Personnel Cases.**

All personnel cases which require action by the Secretary of Agriculture will be made special, and the necessary recommendations to the district foresters, the Forester, or the Secretary, as the case may be, will be forwarded at the earliest possible date.

**Appeals from Disciplinary Action.**

REG. A-3. The officer or employee of the Forest Service affected by any disciplinary measure administered may take an appeal to the district forester and from the district forester to the Forester, and from the Forester to the Secretary of Agriculture, but no appeal will be considered by the Secretary unless the Forester has affirmed the decision of the district forester adverse to the appellant. In no case will an attorney be recognized in personnel matters.

An appeal from any disciplinary measure administered to an officer must be forwarded through the hands of the immediate superior of the officer making the appeal.

**RECORDS.**

**Diaries.**

<sup>b</sup> Members of the district office, supervisors, and deputy supervisors will keep a diary when traveling in the field. All officers on the Forests will record every day's service in a diary to be kept in the regular field notebook, which will be submitted to the supervisor on request. When it is considered desirable by either the district forester or the supervisor, the Forest force may be required to accompany the monthly service report (Form 26) with a brief summary of the diary for the month.

Supervisors will bear in mind that in no case will the examination of rangers' diaries replace field supervision. The diary is a record and not a measure of efficiency, and no criticism of forest officers' actions will be based upon it unless substantiated by investigation.

Rangers' diaries should contain a concise statement of the work done during the day, including patrol, fire, scaling, cruising, surveying, investigations, reports, range examinations, improvements, etc. The particular project should be named in each case, as well as the exact nature of the work. The names of people with whom the Forest business was transacted or discussed should be given and the nature of the business stated. Topics, such as general timber estimates, future work to be done, condition of range or watershed, possible routes for trails or telephone lines, sites for stations, bridges, plantations, free-use areas, watering places for stock, topography, and location of corners should be entered.

<sup>a</sup> Instructions modified; effective Sept. 15, 1916. (20-A) <sup>b</sup> Paragraph modified; effective Apr. 15, 1918.



Diaries of supervisors and deputy supervisors will be examined and initialed by the proper administrative officers who visit the Forest. The diaries of other members of the Forest force will be examined periodically and initialed by the supervisor or deputy supervisor and also by members of the district office, above the rank of chief of section, visiting the Forest. All diaries of forest officers will constitute a part of the permanent records of the Forest, and when a forest officer leaves the Service his diary will be turned in to the supervisor. Rangers' and guards' diaries will be filed in the headquarters of the district in which they have served.

**a Records of Conferences.**

A record in memorandum form will be made of every important conference relating to Forest work. The memorandum will show when and where the conference was held, who was present, what matters were discussed, what statements were made and what conclusions were reached. It will bear the proper filing designation and will be signed by the officer making the memorandum and be filed with the other papers in the case. A similar record of important Forest business transacted or discussed by means of the telephone will also be maintained.

**Record of Distribution of Service.**

The certificates of service (Form 26) will be made monthly to the supervisor by all officers on his Forest. Those assigned to a Forest from the district office will submit a duplicate Form 26 for the information of the district forester. Supervisors will make such arrangements as are necessary to insure the receipt at their offices of the Forms 26 not later than the 5th day of each month.

**Personnel Reports.**

<sup>b</sup> The supervisor will submit during each year, at such times and in such form as the district forester may require, an efficiency report on each member of his force not accounted for on the clerical efficiency register. These reports will include such promotion recommendations as may be appropriate. No other personnel report will be made by the supervisor, except in cases which require special attention or action or when called for by the district forester.

**FIELD EQUIPMENT AND EXPENSES OF FOREST OFFICERS.**

**Horses and Forage.**

<sup>c</sup> REG. A-4. Forest officers or employees of any grade or salary regularly assigned to field duty on the National Forests may, in the discretion of the district forester, be required to furnish and keep at their own expense saddle and other animals, or motor vehicles, necessary for personal transportation in the performance of official travel. Feed for animals and housing of animals or motor vehicles so furnished will be provided in whole or in part by the Forest Service as may be deemed equitable by the Forester. The necessary feed may be obtained by purchase or may be grown on the National Forest lands at Government expense. The number of animals required and the period during which such animals are to be subsisted in whole or in part at Government expense shall be fixed by the district forester.

When advantageous to the United States, Forest Officers who are required to own and equip saddle and other animals, and motor vehicles, may under such restrictions as may be prescribed by the Forester hire such animals, or motor vehicles, for official use to other forest officers having authorization entitling them to reimbursement for such hire when the animals or motor vehicles will not be needed by their owners for their personal transportation in the performance of official travel during the period for which they are to be hired.

Extra animals and equipment for private or domestic use may be kept on the Forest without expense to the Government.

**<sup>d</sup> Forage.**

Forage allotments should be established on a uniform basis. The number of days during the year when a horse or the horses a forest officer is required to own for use in his official work will be fed either hay or grain, or both, or will be kept in pastures must be determined. Likewise, it will be necessary to estimate as accurately as possible the number of days when horses are not needed for use in official work; for example, the need for three horses during the field season may be apparent in some cases, but during the inactive season one or two horses may be sufficient. The adoption of a standard hay or

<sup>a</sup> Instructions modified; effective July 1, 1918.

<sup>b</sup> Paragraph modified; effective Jan. 1, 1917.

April 1, 1921.

(21-A) <sup>c</sup> Regulations amended; effective Apr. 1, 1921.

<sup>d</sup> Instructions modified; effective July 1, 1919.



grain ration is advisable. A fixed standard ration for all regions, while desirable, is impracticable, owing to the different varieties of hay and grain, and also because of the varying degree of use of forest officers' horses in different regions. In determining forage allotments, consideration should be given to the probable amount of time a forest officer will be absent from his official station, and reduction made accordingly.

Forest officers who supply forage to the horses of visiting forest officers will keep a record of the amount of the forage thus furnished. If this drain upon his allotment necessitates a readjustment during the fiscal year, this record will be furnished to the supervisor and will be given proper consideration in taking such action as may be required.

#### **Equipment.**

Forest officers or employees assigned to field duty may also be required to furnish themselves with necessary camp equipment. The supervisor will determine what equipment each officer on his Forest must provide. The district forester will determine what field equipment the members of the district office and the supervisors must provide.

#### **Motor-Propelled Vehicles.**

<sup>a</sup> REG. A-4a. Whenever it is found that the expense of official travel will be reduced thereby, employees of the Forest Service, with the approval of the Forester, may, in lieu of actual traveling expenses, be reimbursed for the use, in the official business of the Forest Service, of their own motor cycles and automobiles at a rate not exceeding 3 cents per mile for a motor cycle and 7 cents per mile for an automobile. Such rates within the aforesaid or such other maximum rates as may be authorized by Congress from time to time must be fixed in advance of official travel and may be fixed to cover such use of the vehicle for such periods during any fiscal year as will be required, subject to cancellation at any time by the department. Nothing in this regulation shall prevent the hiring of motor cycles or automobiles from persons not in the employ of the department for single trips at prevailing rates.

#### <sup>b</sup> Reimbursement of Mileage Charges.

Reimbursement accounts which include mileage charges for the use of personally owned vehicles must be accompanied by a statement prepared in duplicate setting forth: (a) the date of travel; (b) the points between which performed; (c) the actual number of miles traveled; (d) the rate per mile and total charge; and (e) the hour of departure from and arrival at official station. Such statement must also be supported by a certificate clearly indicating that the travel was officially necessary, that the distances charged for are, to the best of the employee's knowledge and belief, correct, and that no public or regular means of transportation was available, or that such public or regular means of transportation could not be used as advantageously in the interests of the Government.

#### <sup>c</sup> Hiring Automobiles Owned by Forest Officers.

Officers of the Forest Service connected with either the Washington or district headquarters offices may be authorized by the Forester or the district foresters, respectively, to hire for special trips, at local commercial rates, automobiles owned and voluntarily offered by forest rangers or other forest officers not directly under them, when no other machines are available and the emergency is such that otherwise the interests of the Government would suffer. Monthly reports will be made by all forest officers hiring automobiles under such authority, showing separately the trips made, the period involved in each case, the mileage covered, the name and official title of the owner of the machine, and the amount paid, and stating briefly also the conditions which made it necessary to hire from a forest officer.

#### **Maximum Rates for Meals and Lodging.**

<sup>d</sup> REG. A-5. The Forester may make and determine rates within the amount allowable under the Fiscal Regulations for travel expenses of employees of the Forest Service, such rates to be equitable and according to the standard of living in the various localities in which they are to become operative. Maximum rates may be established in the following classes: For meals and lodging of employees on detail to Washington or the district offices; meals and lodging at other points visited by forest officers or employees; meals at ranger stations, or subsistence and expenses of forest officers temporarily assigned to urgent special duties for a period not to exceed 60 days.

<sup>a</sup> Regulation amended; effective Apr. 1, 1921. (22-A)

<sup>c</sup> Instructions added; effective Dec. 9, 1919.

<sup>b</sup> Instructions modified; effective Oct. 1, 1918.

<sup>d</sup> Regulation amended; effective Feb. 1, 1920.

Anril 1. 1921.

**a Subsistence and Lodging.**

Forest officers and employees, unless it is specifically so provided by the terms of their employments or included in their appointment orders, will not receive subsistence or be reimbursed their expenses for subsistence and lodging or other expenses while at their permanent station or place of employment. They may, however, be reimbursed their expenses for travel, subsistence, and lodging when absent from their official station on official business.

Extravagance will not be tolerated, since it is expected that an employee when traveling at Government expense will incur only those expenses which would be incurred were he traveling at his own expense.

**Perquisites to Fire Fighters.**

**REG. A-6.** Forest officers employing temporary men for fighting forest fires may agree to furnish blankets for the use of such employees and food supplies and tobacco as a part of their compensation, in addition to the per diem to be paid such employees.

**Part Payment in Supplies.**

**REG. A-7.** Forest officers employing temporary laborers for National Forest work may furnish such laborers horse feed, equipment, food, articles of clothing, tobacco, and other personal supplies, the cost of same to be deducted from their wages.

**c Personal Supplies Furnished Under Regulation A-7.**

All purchases made by temporary employees *direct from merchants* must be specifically authorized on Forms 414 and 414a. These forms register so that in preparing them carbons may be used. Form 414 will serve as a requisition and receipt to the merchant and will be signed by the supervisor or officer in charge and countersigned by the temporary laborer to acknowledge receipt of the articles. It will then be delivered to the merchant furnishing the supplies and by him attached to the Form 5a voucher on which payment is claimed. Form 414a will be retained by the issuing officer to be attached to the pay roll as an acknowledgment of receipt from the Forest Service of the articles furnished in lieu of wages due. This form will be signed by the temporary laborer to show receipt of the requisition and that proper deduction is being made from wages due, and will be attached by the supervisor to the pay roll or Forms 3 or 4 voucher on which the laborer's service is certified. Upon failure to make the necessary deduction, the forest officer authorizing the purchase will be held responsible for the cost of the goods.

Personal supplies to be furnished under Regulation A-7 *from commissary stores in the field* will be purchased by forest officers in accordance with the following procedure: The supplies will be obtained on purchase orders signed by the forest officer in charge of the crew or by the quartermaster (if one has been designated), and an agreement will be entered into with the dealer that after the fire has been extinguished and the crew has been discharged any personal supplies which have not been issued to the temporary employees and which are undamaged will be returned to the dealer and a Form 5a voucher will then be prepared and certified covering the net purchases.

The quartermaster will keep a record of the purchases and issues of personal supplies. Where such supplies are issued directly to temporary employees the items will be listed in the time book, and when the time slip is furnished to each laborer the items issued to him will be recorded on the reverse of the slip, the statement of time allowed and supplies issued to be signed by him.

Where a system of line or subcamps is used, the quartermaster being stationed at the headquarters camp, personal supplies sent out by pack train or otherwise will be invoiced to the camp manager or timekeeper at each subcamp. The invoice receipted by the camp manager or timekeeper will be returned to the quartermaster. Supplies will be issued to the temporary employees by the camp manager or timekeeper as above, notation being made of such issues on the time book and on the back of the time slip. When the temporary employee presents his time slip to the paymaster the latter will record on Form 414 b the charges for the personal supplies issued, as shown on the reverse of the time slip. He will secure the signature of the payee on Form 414 b, which will become a subvoucher to the pay roll, the time slip remaining, as heretofore, as an original record in the supervisor's office.

**a** Second paragraph under this subhead omitted; effective May 10, 1918.

(23-A)

**b** Regulation amended; effective July 20, 1915.

**c** Instructions added; effective July 20, 1915.

July 1, 1918.



The paymaster after completing the pay roll will summarize the issues of personal supplies from these vouchers on a statement which he will certify to and send to the quartermaster. The quartermaster will then furnish the property auditor with a return showing the net supplies purchased and those issued. The statement of supplies issued will be supported by the certified statement submitted by the paymaster, which may cover purchases from several merchants, and any loss after the unissued supplies have been returned to the dealer will be supported by Form 858. The property return will not be furnished until the whole transaction is completed and before being sent to the property auditor should be certified to by the officer in charge of the fire.

In order to protect the Government from loss forest officers must exercise care and judgment in furnishing supplies under the foregoing authority. Articles should, so far as possible, be delivered in the field after work is begun, and the value of supplies furnished to any employee should ordinarily not exceed the amount of wages to his credit. Where necessary to authorize employees to purchase clothing and other supplies in advance of commencing work, the value of the supplies should be limited to the smallest possible amount practicable, and Government credit of this kind with merchants should only be extended in cases where there is every reasonable assurance that the employee will fulfill his labor contract.

#### **Subsistence in Lieu of Salary.**

Subsistence not provided for in travel authorizations may be furnished to forest guards or other temporary employees serving under appointments by the Secretary of Agriculture when authorized by the terms of such appointments. In requesting such appointments the district foresters will recommend a reduction in the salary usually paid for the same grade of employee in an amount equivalent to the estimated cost of such subsistence.

#### **Subsistence at Ranger Stations.**

Rangers occupying ranger stations should be paid by visiting officers for meals and for the use of beds or bedding.

#### **Subsistence from Forest Users.**

It is against the policy of the Forest Service for its officers to accept in any unreasonable measure hospitality from Forest users. It is realized that many Forest users will not accept payment for subsistence and horse feed, but forest officers should in all cases offer payment. They should avoid stopping at places where the owners will not accept payment, unless such avoidance will mean great inconvenience.

#### **Transfer of Household Effects.**

<sup>a</sup> Forest officers transferred from one official station to another for permanent duty when allowed traveling expenses may, under the written authority of the Forester, be allowed packing, crating, freight, and drayage charges for the transfer of their household effects and of other personal property used in official work, not exceeding in all 5,000 pounds in addition to the weight of a motor vehicle or live stock, and provided that saddle or other animals not exceeding three head, or an automobile, or a motorcycle, will be transported at Government expense only when used in official work. Shipments by freight must be on Government bills of lading (see "Methods of Shipment," p. 28), and each account must be accompanied by a letter of instructions and the certificate of the officer best qualified to make it that the property so shipped consists of the household goods of the officer transferred and is exclusively his property. The allowance of charges does not include any charge for unpacking, uncrating, removal of packing boxes or other packing material, or other expense, aside from drayage, at the point to which shipment is made, or for storage at either point.

#### **The Forest Badge.**

The forest officer is supplied with a badge which serves as an evidence of his authority as an officer of the Forest Service. Every precaution must be taken against the loss of badges or their possession by persons not authorized to wear them. Broken or worn-out badges should be returned to the property clerk for repair or replacement.

#### **Reimbursement During Absence from Duty.**

Reimbursement will not be made to employees for expenses incurred while on sick or annual leave, while on furlough, or leave of absence without pay. Telegrams regarding salary or leave of absence are considered private business, except as specified in section 46 of the Fiscal Regulations, and the expense of neither an unofficial message sent nor the reply will be borne by the Government.

<sup>a</sup> Paragraph modified; effective Oct. 1, 1916. (24-A)



#### Reimbursement for Horses and Equipment Lost, Damaged, or Destroyed While in Official Use.

<sup>a</sup> In accordance with the authority granted in the agricultural appropriation act approved March 4, 1913, owners of horses, vehicles, and other equipment lost, damaged, or destroyed while being used for necessary fire fighting, trail work, or official business will be reimbursed unless the contract of hire requires the owner or custodian of such horse, vehicle, or other equipment to furnish the same at his own risk. The claim should be submitted on Form 5a voucher in the same manner as all other claims for supplies or equipment purchased in the field, and will be approved by the supervisor or other responsible officer and charged against any available funds in the appropriation to which the hire of such equipment is properly chargeable. In every case a full explanation of the circumstances will be attached to the claim when it is presented to the administrative officer for approval. All claims must be submitted to the district assistant to the solicitor for an opinion as to whether under the particular facts reimbursement may properly be allowed. When it is necessary to hire motor vehicles, such hire should be only at the owner's risk, even though it may be necessary, under certain emergency conditions, to pay a higher rate of hire than would otherwise be the case, particularly since the charge for use of such vehicles is in general sufficiently high to compensate owners for the risks taken. Except for damage to motor vehicles, claims may be submitted for any horses, vehicles, or other equipment lost or damaged in any manner, and the validity of the claim will be decided by the Secretary. Claims for reimbursement for the loss of horses may be submitted, except when the death of such animals is due to disease or old age or to accident due to contributory negligence on the part of the owner. Death due primarily to eating poisonous weeds or exposure to storms will be considered due to accident and not to disease.

#### QUARTERS.<sup>b</sup>

Properly located and equipped quarters are essential to the efficient transaction of business, the safeguarding of Government property, and the convenience of the public. Their selection should, however, be made with strict regard to economy. Leases for district headquarter offices will be executed by the Secretary. Leases for supervisors' offices, rangers' offices, storage, and other quarters, originating within the districts, will be executed by the district foresters.

<sup>a</sup> Paragraph modified; effective Sept. (25-A)  
1, 1919.

<sup>b</sup> Instructions under the subheads  
"District Offices" and "Super-  
visors' Offices" formerly under  
this caption are stricken out, effective  
Sept. 1, 1919.

#### **Rangers' Offices, Storage, and Other Quarters.**

<sup>a</sup> When the amount or character of business on a ranger district, timber sale, or other important project requires office or storage facilities, and where the Service has no suitable quarters, the supervisor should report the situation in detail to the district forester, with definite recommendations for the lease, or acquisition through other means, of suitable quarters.

Supervisors and other officers should not close any arrangement for quarters until the necessary approval of their superior officer is obtained.

#### **Lease of Land.**

Owing to the fact that the department is not permitted to incur obligations for a period beyond the limit of the appropriation act, which is nearly always the fiscal year, land must not be leased for any purpose requiring the construction of buildings of a permanent character. The matter should be reported upon very fully to the Forester, and if approved by him, the procedure will be the same as for supervisors' offices.

#### **Construction of Buildings.**

When Government land is available, or in case land has been leased for supervisors' or rangers' offices, or for other purposes, the plans and cost of the buildings must be reported on fully to the district forester, in accordance with the the outline for the construction of buildings in the Improvement Manual.

#### **Ranger Stations.**

It is clearly the intention of Congress that ranger houses or cabins shall be constructed only where they serve the actual needs of the Service, and not merely those of the ranger or other officer by whom they will be occupied. The construction or lease of dwellings solely for the personal needs of a forest officer can be construed only as granting additional compensation, which can not be done unless specifically provided by law. Only where there is an undeniable need for them and when it is impracticable for the officer to rent or construct his own living quarters will houses be leased, rented, or constructed at Government expense. When the supervisor desires to construct or rent such quarters at Government expense he will report to the district forester, in detail, the need for them and show that it is impracticable to provide them in any other way, and that they are not constructed or rented for the purpose of granting additional compensation to the officer who will occupy the quarters. The actual construction of such quarters will be handled in the manner outlined in the Improvement Manual.

#### **Quarters in Government Buildings.**

When the quarters are desired in an existing Federal building the district forester will prepare a letter for the signature of the Secretary of Agriculture, addressed to the Secretary of the Treasury, stating the number of rooms and amount of floor space required, the purposes for which the space is needed, and the amount paid as rental and other expenses, including light, heat, and janitor services, for other quarters occupied at the time. When the erection of a new Federal building is proposed at any place where rented quarters are occupied by the Forest Service the district forester will inform the Forester upon request of the amount of space needed in the new building and the amount of rental (including light, heat, and janitor service), if any, being paid for quarters. If it is contemplated to remove the offices to a town or city in which the new Federal building is to be built, the amount of rental paid at the present location should be given. The necessary memorandum to the Secretary of Agriculture will be prepared in the Washington office. If no space is needed in a new Federal building, this fact will be reported to the Forester.

<sup>a</sup> Paragraph modified; effective Sept. (26-A)  
1, 1919.



### **Signs.**

All quarters used by the Forest Service for the transaction of business with the public, including ranger stations, must be equipped with suitable signs. A sign that is approved for supervisors' offices is:

FOREST SERVICE  
U. S. DEPARTMENT OF AGRICULTURE  
OFFICE OF  
OLYMPIC NATIONAL FOREST.

For a ranger station:

HUMPTULIPS RANGER STATION.

It is often advisable, also, to give the name of the ranger in some appropriate manner.

### **Property Notices.**

All buildings owned by the Forest Service should have a property notice posted in a conspicuous place.

### **Use of Flag.**

The regular use of the United States flag is desired and expected at all but the smallest and most temporary camps and is required during business hours at all ranger, forest, and district headquarters. All headquarters must be provided with suitable facilities for flying the flag. When at half-staff the flag is lowered only the width of the flag itself from the top of the staff. Worn and soiled flags should be used during stormy weather only. Various sizes of flags may be had on requisition.

### **Maintenance of Quarters.**

The forest officer in immediate charge of buildings used by the Service will be held responsible for the order and repair in which the buildings and grounds are kept. When repairs or other work on quarters are needed, which can not be performed by the regular force, the necessary report and estimates should be submitted, in accordance with the instructions for permanent improvements. When necessary, expenses for janitor service for the care of National Forest offices may be incurred.

### **Equipment.**

Standard furniture and equipment for headquarters must be obtained on requisition from the supply depot at Ogden, Utah. Articles which can not be furnished from the supply depot may be purchased locally when needed, but principles of economy should govern supervisors in expenditures for such equipment. Field quarters may be furnished with the following equipment only:

(1) For the house: Cooking and heating stoves, window shades, screen doors and windows when necessary, beds, water-installation systems, bathtubs, and articles of like nature.

(2) For the office: Office table and chairs and such other equipment as is essential for office use.

(3) Equipment to be used at a ranger station for the use of transient forest officers only. In no case will such equipment be used exclusively or extensively by the resident forest ranger or his family, the understanding being that at certain stations where there is a good deal of travel by forest officers it is proper that the Service provide for them rather than to let it devolve upon the resident ranger or his family.

## **PROPERTY.**

### **PURCHASE, ISSUE, AND ACCOUNTABILITY.**

#### **Records.**

A general Forest Service record of property will be maintained by placing the responsibility on the district foresters for the property in their respective districts. The record of property of the Washington office and all experiment stations under direct control of the Washington office will be kept by the district forester stationed at Washington, D. C. The Director of the Forest Products Laboratory at Madison, Wis., will be responsible for all record of property used in connection with the activities at the laboratory. In the subsequent instructions covering property all references to district foresters are equally applicable to the Director.

\* Instructions modified; effective Apr. 1, 1920.

† Instructions modified; effective Oct. 1, 1920.



**Responsibility.**

Each member of the Forest Service will be held responsible for the proper use and protection of any Government property which may come into his custody or control in any manner whatsoever. Economy must be observed in requisitioning or purchasing supplies and equipment. Articles must not be requisitioned or purchased unless the need for them is established, nor should they be obtained in excessive quantities. Expensive articles must not be used when cheaper articles will answer the purpose equally well.

**Expendable and Nonexpendable Property.**

All articles of supplies and equipment used in the Service, whether fabricated, purchased, or requisitioned, are deemed nonexpendable, and must be accounted for to the district forester of the respective district, except those specified in Appendix B, "List of Expendable and Nonexpendable Property" shown on page 62, et seq., of the Property Regulations of the United States Department of Agriculture, effective July 1, 1916, copies of which can be obtained from the property clerks at Ogden and Washington on requisition.

**Individual Accountability.**

Each member who receives nonexpendable property by transfer or by purchase on reimbursement account (Form 4), or by purchase on purchase orders issued by the purchasing agents at Ogden, Madison, and Washington, must receipt for it on Form 939. Expendable property issued by the property clerks or purchased on reimbursement account (Form 4) must also be receipted for. Receipt of property purchased in the field is evidenced by the certificate on Form 5a and no further receipt is necessary. In addition to assuming responsibility for the proper use and protection of nonexpendable property the member receiving it must account for it as prescribed in the following procedure: Having receipted for a nonexpendable article, a member will be relieved of responsibility and accountability only on receipt from another member after a duly authorized transfer of the article has been made, and the transfer has been recorded by the district forester, or by relief or charge on approved certificate of loss (Form 858), and subsequent payment for the article when so charged, or by an approved certificate of sale (Form 217). No receipt should be signed until its correctness has been verified, nor until articles to be receipted for have been checked and actually delivered to or placed at the disposal of the member signing the receipt. The fact that these precautions were not taken will not relieve the member from responsibility in the event that a discrepancy is discovered after the receipt has been signed and the member has been charged with the articles on the records.

**District Property Records.**

The record of nonexpendable property will be kept on cards supported by proper vouchers, and will show the total number and cost of all the articles in the district, and the number of articles and the cost of each charged to the custodians individually.

**Identification of Property.**

So far as practicable, articles of equipment will be branded or otherwise marked to indicate ownership by the Forest Service.

Government animals should be branded "U S" on the left hip. District foresters may authorize the waiving of this requirement where animals secured for temporary use are to be disposed of after a short period, and also in localities where the branding of stock is not customary or necessary.

**Supply Depots.**

A depot of supplies is located at Ogden, Utah, where a stock of standard articles of equipment, supplies, and blank forms is carried. The depot is provided with facilities for the printing of letterheads and for the manufacture of rubber stamps. A field purchasing agent is located at the depot to facilitate the prompt purchase of standard articles and to assist the district foresters and forest supervisors in procuring supplies and equipment other than standard when authorized by the Forester. A supply depot and purchasing agent at Washington, D. C., provides similarly for the needs of the eastern headquarters and Forests.

**Requisitions.**

Standard supplies and equipment (see Form 261, List of Standard Articles of Equipment and Supplies, and Form 258, Index of Standard Forms), may be procured upon requisition on the property clerk. Requisitions for standard articles

for use on the National Forests must be signed by the supervisor, and for other administrative units and for field parties by the officer in charge. Requisitions for supplies and equipment other than standard articles must be signed by the district forester or by an equivalent executive officer.

Requisitions must be in duplicate on Form 668. One signed copy will be sent to the property clerk without a letter of transmittal, unless an explanation is necessary. The other copy will be retained for checking the articles when received from the property clerk. To avoid congestion at the supply depot and to insure prompt service, quarterly requisitions should be submitted as follows: Districts 1 and 2, on the first day of March, June, September, and December; Districts 3 and 4, on the first day of January, April, July, and October; and districts 5 and 6, on the first day of February, May, August, and November. Each sheet must be marked "Quarterly requisition." Quarterly requisitions should be made as complete as possible, and special requisitions should be avoided, since this will facilitate the economical and efficient handling of the work at the supply depots.

#### **Shortage or Error in Shipment.**

Shipments will be carefully checked and responsibility for error fixed before leaving the supply depot. Upon receipt of a shipment the consignee must at once unpack it and check the articles against the retained copy of the requisition and the invoice Form 939. If any discrepancy is discovered, the property clerk or other consignor must be immediately informed.

#### **Methods of Shipment.**

Supplies will be sent by mail when practicable, and all shipments so made must comply strictly with the regulations of the Post Office Department. Copies of these regulations are obtainable from the supply depot.

Large shipments will be made on departmental bills of lading by freight, but may be made by express when necessary. Shipments should not be prepaid except when the transportation company is engaged in local business only and refuses to accept the shipment on department bill of lading.

The headquarters of some supervisors are located in towns remote from the railroad, but reached by stage lines with which express companies have no connection. Shipments on bill of lading to these points will be made to the nearest or most convenient station from which, by previous arrangement, the shipment will be forwarded to destination. When this is done notation of the fact will be made on Form 939 and on the package. In such cases the forwarding charges only should be paid by the consignee, for which a receipt showing rate and weight must be taken and submitted with the monthly reimbursement account or with a Form 5a voucher. When the payment of charges is demanded on shipments which are marked "Prepaid in full to destination," the consignee should secure definite information from the consignor before making payment.

#### **Property Procured by Purchase.**

Purchasing agents at Washington or Ogden when using their funds for direct purchase for Forests supplied by them will prepare two carbons of each order on Form 939. One copy will be forwarded to the district forester when the order is placed. The other copy will be turned over to the consignee and when the property has been received it will be signed by the consignee and forwarded to the purchasing agent, and by him, with the Form 5a, to the fiscal agent. The fiscal agent having assured himself by audit that the Form 939 agrees with the Form 5a will place upon the Form 939 the date of payment and his voucher number and forward it to the district forester.

Purchases made by others than purchasing agents will be stated on Form 5a, except when shown on reimbursement account. When payment has been made of any Form 5a account, the fiscal agent will assure himself by audit that memorandum copy agrees with the original Form 5a, place upon the memorandum copy the date of payment and his voucher number, and forward the memorandum copy to the district forester.

The district forester will abstract the nonexpendable property on Form 939, in duplicate, and note on the form the voucher number reported on the memorandum copy of Form 5a. He will give both copies his voucher number, make the proper charges, stamp on the duplicate the statement that the property has been charged, and forward the duplicate to the member accountable. The memorandum copy will be forwarded to the forest supervisor or officer who certified the account.



When making up reimbursement accounts (Form 4), forest officers will prepare a Form 939 in triplicate, covering all nonexpendable articles shown in the account with the cost of each. The Form 939 must be signed by the member accountable. The original will be forwarded with the Form 4 to the fiscal agent, the duplicate to the district forester, and the triplicate will be retained. The fiscal agent will follow the same procedure as in the case of the memorandum copy, Form 5a. Reimbursement accounts (Form 4) containing nonexpendable articles will not be paid unless accompanied by the Form 939.

When the Form 5a covers the purchase of horses, or other animals, Form 411 (in duplicate) properly filled out will accompany the memorandum copy of the voucher. Similarly a Form 5a covering the purchase of a motor vehicle will be accompanied by Form 411a.

#### **Property Manufactured or Found.**

When nonexpendable property is manufactured, or recovered after having previously been reported on Form 858, it must be reported to the property auditor at once on Form 939. The actual or estimated cost should be shown for each article.

#### **Forest Custodian.**

The district forester will designate a custodian for each Forest, who will be accountable for the equipment used on the Forests. He may, in his discretion, designate either the supervisor or the forest clerk as custodian, and when the latter is designated the supervisor should be instructed to transfer, on Form 939, all the property with which he is then charged on the records of the district forester. The supervisor will be held responsible in all matters relating to the supplies and equipment used upon the Forest, except for their custody and record when the clerk is custodian. He is responsible for furnishing adequate quarters for storing and means for protecting supplies and equipment even though the clerk is designated custodian. Instruments and other non-expendable articles must be kept under lock, and the key will be retained by the custodian.

When a vacancy occurs in the position of property custodian by resignation, furlough, leave without pay, or any other change to a nonpay status, as contemplated in the paragraph headed "Final Settlement," the retiring custodian will be required to transfer, on Form 939, in triplicate, the property to the supervisor or to some forest officer designated by the supervisor as temporary custodian pending the filling of the vacancy. The three copies of Form 939 will be forwarded to the district forester.

#### **Property Procured by Transfer.**

When expendable property is issued by a property clerk to a custodian, three copies of an invoice with Form 939 as the original and two carbons on yellow sheets will be prepared by the property clerk. He will keep one copy and send the Form 939 and one copy to the custodian to whom the property is issued. On receipt of the property the custodian will date and sign the Form 939 as a receipt and mail it to the property clerk, who, after comparing his file copy with the receipt, will destroy the file copy.

Transfer of nonexpendable property between members of the Service, except as provided under property accounting on the National Forests, will be made in accordance with the following procedure, in which the words "property clerk" refer to any employee invoicing property permanently and "custodian" to any employee receiving such property.

When nonexpendable property is transferred by a property clerk to a custodian *in the same district* three copies of Form 939 will be prepared and signed by the property clerk as invoices. He will send two copies to the district forester and the original to the custodian. Where the property clerk and the custodian are not in the same district, the property clerk will prepare four copies of Form 939 and sign them as invoices. He will send two copies to the district forester of his district, the third to the district forester of the district in which the custodian is located, and the original to the custodian.

The custodian, upon the receipt of the property, will enter, in the spaces provided on the Form 939 received from the property clerk, the condition of the property and the date of receipt; he will sign it as a receipt and send it to the district forester.

The district forester, upon receiving the Form 939 from the custodian, will credit the property clerk and charge the custodian with the property transferred.



He will indorse upon the two corresponding forms (939) received from the property clerk a certificate of the transfer, and send one to the property clerk and the other to the custodian.

The property clerk or other custodian who transfers property is not relieved of accountability until the receipt of the member to whom the property is transferred has been received by the district forester and the transfer has been recorded.

When nonexpendable property is received in the absence of the property custodian (supervisor or forest clerk), the Form 939 will be signed by the member in charge of the office at the time of the absence, in the following manner:

JOHN JONES, *Supervisor*,  
By WM. SMITH, *Acting Supervisor*.

or—

JOHN DOE, *Property Custodian*,  
By RICHARD ROE, *Supervisor*  
(*or Acting Supervisor.*)

Signing for property should be limited absolutely to the person in charge when the property is received.

#### **Property to Individuals.**

When property is transferred to a member as an individual and not as an officer in charge, he must sign the Form 939.

When nonexpendable property is furnished for temporary use by a custodian to another member a receipt will be taken, but the transaction will not be reported to the district forester unless the member fails to return the property within the time agreed upon, in which event a transfer should be effected in the manner herein prescribed.

### **PROPERTY ACCOUNTING ON THE NATIONAL FORESTS.**

#### **Custodian's Record.**

An account will be kept on property record cards (Form 331) of all nonexpendable articles obtained by the supervisor through purchase or requisition. This account may include, in the discretion of the supervisor, expendable articles also. The cards will be filed alphabetically by names of articles, and will show the total number of each article, number of each issued to subordinates, and of those kept on hand for distribution. Each transaction which affects the property on a Forest, whether by purchase, transfer, certificate of loss or of sale will be immediately entered on the proper card or cards (Form 331).

The account with "stock" will include only those articles actually placed in stock or transferred thence to or from an individual. In all respects the account with stock should be handled in the same manner as those with individual members.

Property issued by a custodian to a forest officer will require the preparation and signature by the custodian of two copies of notebook Form 874-16, which will then be sent to the officer. The officer will, upon receipt of the articles, sign both copies, and return one to the custodian and keep the other.

Property returned to a custodian by a forest officer will require the preparation and signature by the officer of two copies of notebook, Form 874-16, which will then be sent the custodian, who, upon receipt of the articles, will sign both copies and return one to the officer.

Property transferred between officers will require that the officer from whom the property is received will prepare and sign three copies of notebook, Form 874-16. He will send one of them to the recipient of the property and the other two copies to the custodian. The recipient will, upon the receipt of the property, sign the Form 874-16, which has been previously signed by the transferring officer, and send it to the custodian. Upon receiving the Form 874-16, which has been signed by both officers, the custodian will sign the two copies received from the transferring officer and send one of them to each of the officers concerned. The transfer will at the same time be entered upon the proper card (Form 331), and the transfer receipt (Form 874-16), signed by both officers, will be filed behind a guide card bearing the name of the officer to whom the property was transferred. A notation of the transfer will also be made on the original receipt of the officer who transferred the property.

Property temporarily transferred between officers requires only that a receipt be taken on Form 874-16. The transaction will not be reported to the custodian

unless the recipient fails to return the property within the time agreed upon, in which event a permanent transfer should be effected in the manner heretofore prescribed.

The same procedure will be followed when nonexpendable property is furnished for temporary use by custodians to other members of the Service.

#### **Ranger's Record.**

The copy of the Form 874-16, signed by the custodian, will constitute the basis for the ranger's record of the property in his custody. Not less than once a year each ranger and all other subordinate forest officers will, by direction of the supervisor, submit to him in duplicate a signed list of the property in his custody. As soon as the correctness of the list is established both copies will be signed by the custodian, who will keep one and return the other to the ranger, when all previous forms relating to the account may be destroyed. The custodian may, in his discretion, prepare the return and forward it to the ranger for verification and signature.

When notice of action on Form 858 covering property issued by a custodian to a ranger is received from the district forester the custodian will prepare on Form 874-16, in duplicate, a list of all the articles in question. He will note on the form "Relieved—see Form 858, P. A. voucher—," sign and forward the original to the ranger, and retain the duplicate in his file.

#### **Property Losses.**

Loss of nonexpendable property must be promptly reported on Form 858, in duplicate, when the member charged with it is satisfied it can not be recovered. The statement on the form must show (a) the circumstances attending the loss, damage, or destruction; (b) whether his fault or neglect or that of any employee was involved, and (c) if the property was lost or stolen, what action was taken to recover it. In all cases the date, or approximate date, of loss must be stated. Relief will not be considered unless the statement shows beyond doubt that every reasonable precaution had been taken to prevent the loss. When tools or equipment are left for a time in unoccupied cabins, it is required that reasonable precautions be taken to secure the articles against theft. When the property for which the custodian is accountable is lost by any other member than the one to whom it had been issued, the certificate on Form 858 must be signed by the member to whom the property was issued and both copies forwarded to the custodian against whom the property is charged on the records of the district forester. After satisfying himself by check that the property shown on the Form 858 is charged to the signing member on his records, the custodian will submit the Form 858 to the supervisor, or other officer, for proper authentication and for such further explanation as he may see proper to make in the space provided for on the form. The supervisor will forward both copies of the Form 858 to the district forester. When the value of the property exceeds \$10 the certificate shall be sworn to by the signing member before an officer authorized by the administrative regulations to administer oaths of office, unless by reason of remoteness from such an officer or other causes it is found impossible to take such oath, in which case a certificate on honor setting forth the circumstances in the case must be attached to the Form 858.

The district forester will, by indorsement in the space provided on Form 858, either relieve the member from, or charge him with, responsibility for the loss.

When the member is relieved from responsibility for the loss the district forester will credit him on the record and will certify on the Form 858.

When a member is charged with responsibility for the loss of the property, the district forester will enter upon the Form 858 the present value of the property. He will prepare a letter of transmittal (Form 861) to the district fiscal agent, and send the Form 861 and a memorandum calling attention to the charge to the member, keeping both copies of the Form 858 in a temporary file. The member will remit the value of the property to the district fiscal agent, accompanied by Form 861. The district fiscal agent will obtain the original of the Form 858 from the district forester, who, upon return of the form from the district fiscal agent with the certificate thereon that deposit of the amount has been made, will credit the member on the record and send him the Form 858 with a certificate thereon that the necessary entries have been made on the property records to close the account.



Each article lost must be reported on a separate certificate of loss (Form 858); provided, however, that any number of articles lost at the same time or under the same circumstances will be included on one certificate (Form 858). Report of lost property will not be made on the same Form 858 with report of unserviceable property condemned or abandoned.

#### **Abandonment.**

Worn and damaged property and inexpensive camp equipment in possession of field parties may be abandoned in the field when it is impracticable to return it for condemnation as herein prescribed. An explicit statement of the date, cause, and location of an abandonment must be forwarded immediately to the district forester on Form 853 in duplicate. The action to be taken will then follow the procedure for lost property.

#### **Sale of Condemned Property.**

**REG. A-8.** The Forester is authorized to sell at field stations of the Forest Service after public notice, by advertisement or otherwise, such articles of equipment as are worn out or damaged beyond repair, or which are of no further use in the Service but which have a sale value estimated at \$500 or less. The Forester may delegate the authority to district officers. When the estimated sale value is more than \$500, special authority must be obtained from the Secretary of Agriculture.

Animals and animal products which cease to be needed in the work of the Forest Service may, upon the approval of the Forester or the district foresters, be sold in the open market or exchanged for other live stock, and all moneys received from the sale of such animals or animal products or as a bonus in the exchange of the same shall be deposited in the Treasury as miscellaneous receipts.

#### **Condemnation of Property Having No Sale Value.**

Nonexpendable property worn out or damaged beyond repair which has no sale value will be retained when the supervisor is custodian until it can be inspected and condemned by the district forester or his authorized representative. Supervisors who have been relieved of the custody of nonexpendable equipment on the Forest by transferring the custody to the forest clerk are authorized to inspect, condemn, and destroy nonexpendable equipment which is no longer serviceable and is beyond repair and which has no sale value. A certificate will be prepared and signed by the custodian on Form 858, in duplicate, on which the inspector will also certify that the property has been inspected, condemned, and destroyed. Both copies of the certificate (Form 858) will be submitted for the approval of the district forester, who will credit the member on the records and inform him of the action taken by an indorsement on one copy of the certificate.

Instruments of which replaceable parts become broken should not be condemned and destroyed, but requisition should be made upon the property clerk for new parts, which will be classed as expendable. Calipers, for instance, are easily damaged in use by the graduated bar being broken. When this happens a new bar should be obtained by requisition and the instrument repaired.

#### **Condemnation of Property Having a Sale Value.**

Nonexpendable property which is worn out or damaged beyond repair or which is of no further use to the Service, but which has a sale value, will be retained until it can be inspected and condemned by an inspector or a district executive officer and its sale authorized in writing on Form 217. When the estimated value of the condemned equipment does not exceed \$500 the authorization may be signed by the Forester or the district forester. When, because of its remoteness and the comparatively small value of the property, the inspection by one or other of the officers specified is impracticable, a list and description of the articles, with specific reasons for their condemnation, may be forwarded to the district forester. When the estimated value exceeds \$500, specific authority must be obtained from the Secretary of Agriculture.

A certificate of condemnation and sale will be prepared by the supervisor on Form 217, in duplicate. The sale of the property will be advertised by notifying interested parties by letter and by posting notices (Form 259) in post offices, telegraph offices, and other public places. No expense will be allowed for advertising, except when the value of the property to be sold clearly justifies



such advertisement, and then only by written authority of the Secretary of Agriculture. When the property is sold the officer to whom the authority was granted will pay all necessary expenses, such as auctioneer's fees, drayage, and purchase of money order, and will remit the net proceeds by postal money order to the district depository, accompanied by a letter of transmittal (Form 861). He will send both copies of the Form 217 to the district forester.

The foregoing procedure will be followed in the disposal of improvements which are of no further use to the Service.

When the sale is approved the district forester will, upon receipt of the Form 861 from the district fiscal agent, credit the officer who made the sale and inform him of the action taken by stamped indorsement on one copy of the Form 217, to which he will attach the original Form 861.

#### **Exchange of Animals.**

When the prior consent of the district forester has been obtained under Regulation A-8 approving an exchange of animals, the following procedure should be followed:

1. Where the Service pays a bonus—

The supervisor will prepare Form 5a, giving the name and price of the animal to be received and the name and value of the Government animal to be given in exchange, accompanied by Form 411 on both animals which should be attached to the memorandum copy of Form 5a.

2. When an even exchange is made—

The supervisor will report the animal received and the animal given in exchange on Form 939 in duplicate, and accompany the Form 939 with Form 411 fully describing both animals, and send the forms to the district forester who will indorse upon Form 939 his approval of the transaction.

3. When the Service receives a bonus—

The supervisor will report the animal to be received and the animal to be given in exchange on Form 939 in duplicate and accompany Form 939 with Form 411 fully describing both animals and send the forms to the district fiscal agent. He will also prepare a Form 861 for the use of the payor in transmitting to the district fiscal agent the bonus to be paid to the Government for deposit to credit of miscellaneous receipts exchange of property. When payment is received by the district fiscal agent he will show by proper stamp or otherwise upon Form 861 the receipt and date of payment and will then forward Form 939 together with Form 411 to the district forester. Upon notice by the district fiscal agent to the supervisor that the money has been received the supervisor will complete the exchange by actual delivery of the animals.

#### **Annual Return of Nonexpendable Property.**

Annually, on December 31, a property return will be prepared on Form 330, in duplicate, by every custodian (clerk or supervisor)—or member who is accountable for nonexpendable property on the records of the property auditor. On this return will be entered the articles and the number on hand, as shown on the last return, the articles and the number received by transfer or purchase since the last return, the articles and the number disposed of by transfer, by certificate of loss or of sale, and the balance on hand on the date of the return. After the return has been audited and corrected the two copies will be signed by the district forester, who will keep the original, and send the other to the member making the return.

#### **Property Inspection.**

Periodically an inspection will be made of the property in the hands of forest custodians. The inspector will check the individual accountability records with the Forest accountability records and will determine the cause for any excesses or shortages which the check may disclose. He will also check the temporary receipts (Form 874-16) on file with the card records and satisfy himself that the entries are correct and up to date. The inspector will also report upon the condition and sufficiency of the office, and other equipment and supplies on hand, and on the methods in use for caring for property on the Forest.

#### **Final Settlement.**

Final payment for salary or reimbursement will not be made to members granted leave without pay, furloughed or separated from the Service by resignation or otherwise, who have been in any way responsible for public property

until evidence shall have been furnished that it has been properly accounted for. The executive officer in charge will be held responsible for notifying the district fiscal agent before final payment of salary is made, and before final payment is made on reimbursement vouchers.

## **IMPROVEMENTS.**

### **POLICY.**

It is but natural, from their situation, that the National Forests represent pioneer conditions. For a long time it will be necessary to expend time and money on the construction of improvements which will afford security against fire and make the resources of the Forests fully available. Not only will the fund specifically appropriated be used, but, so far as may be permitted under the terms of the appropriations for general expenses, such work will be carried on in connection with general administration. In all cases the classes of improvement work which afford security against fire will be given preference over those classes which help to make the Forest resources available. Proper protection and the fullest use of the Forest resources depend mainly upon facilities for transportation, communication, and control. All parts of the Forests should be accessible by roads and trails; there should be telephone communication between settlements and forest officers' headquarters and with lookout stations; and in most cases suitable living accommodations must be provided for the field force. For the fullest use of the forage resources water for live stock may have to be developed and range fences constructed; to reduce the hazard and the cost and difficulty of controlling forest fires, firebreaks and other works must be constructed.

The construction and maintenance of improvements require the most rigid economy consistent with the fulfillment of their purposes, particularly since they afford greater opportunity for inefficiency and extravagance than any other line of work. Because of these facts all plans for improvements demand the most careful consideration both as to preparation and execution. The Working Plans section of the Manual provides that the improvement plan shall be shown on a map or maps supplemented by report which cover the need, character, and cost of the projects.

### **TRANSPORTATION.**

Adequate facilities for travel and transportation are of first importance. Trails and roads may be constructed by the Forest Service, but steam or electric roads and boat lines operated by private interests are to be utilized as a part of the transportation system, available for use by forest officers.

#### **Transportation Plans.**

The need for extension of transportation routes on each Forest should be determined by the district forester from information prepared by the supervisor. This information will show for each ranger district the number of miles of roads and trails or other means of travel for each township, the total value of the Forest property, the rental value, the fire liability, and the annual cash and unrealized revenues. If it is desired to show a percentage of accessibility, twelve (12) miles of road or trail to each township should be taken as the standard. Territory which can be readily traveled by saddle horses and by boat is to be classed as provided with standard means of transportation. Such territory should be appropriately designated on the improvement map.

#### **Map.**

Plans for extending the transportation system will be shown on a map on which the existing routes are also shown. It should be supplemented by estimates of cost of the projected improvements, the estimates to be in sufficient detail to indicate the character of the construction.





#### **Roads and Trails.**

All roads and such trails as will eventually be widened into roads should, when it is feasible, be surveyed by a competent engineer. The ultimate necessary road system should be determined, and those roads which unquestionably will be built should be located immediately and the right of way secured against alienation.

A system of roads should be planned which will place every portion of the Forest within a distance of at least  $7\frac{1}{2}$  miles of a wagon road, and it will be the aim of the Service to complete such a system as soon as practicable. A pack train can then transport supplies from the point to which they are delivered by wagon to any field camp and return in a single day.

#### **Bridges.**

Bridges other than very simple ones should be planned in detail so that the district forester can approve their design and method of construction.

#### **Water Transportation.**

When navigable waterways present means of transportation the improvement plans should include estimates for the construction or purchase of boats, launches, or ferries.

#### **Speeders.**

When they can be used without too great danger and when the permission of the owners can be obtained the use of speeders, motor cars, and hand cars on railways and logging railroads should be carefully considered, and their utility and cost should be set forth in the improvement report.

#### **Purchase of Equipment.**

The purchase, rather than the hire, of pack animals, teams, wagons, scrapers, road graders, stump pullers, and other road-building equipment should be considered if it is evident that a very effectual saving can be made. The possibility of using this equipment in fire protection will also influence its purchase. In reporting on the purchase of horses or other live stock, the cost of maintenance, including wintering, should be given particular attention.

### **COMMUNICATION.**

Of scarcely less importance than the system of transportation is the system of communication, which includes telephone lines, signal systems, and mail service.

#### **Signals.**

In the absence of telephone communication a signal system may be devised, though it has been found that they are not satisfactory even under the most favorable conditions; they should, therefore, be considered as a temporary makeshift, to be replaced by telephone communication as soon as practicable. If a supervisor desires to adopt a signal system, he will report to the district forester, describing in detail the particular system which he wishes to install. If approved, the district forester will issue definite instructions for its installation.

#### **Mail Service.**

While the Post Office Department is extending its service just as rapidly as conditions warrant, it may happen that, owing to the rapid development of the National Forests, the Post Office Department is not fully informed of the need for additional service. When the supervisor becomes satisfied that additional service is justified he should lend such assistance as may be proper to residents who may petition the department for increased mail facilities, or he may report the situation to the district forester. If the district forester approves, he may prepare a Secretary letter addressed to the Postmaster General describing the situation and requesting additional service.

#### **Telephones.**

Telephone communication is indispensable to fire protection and to quick and efficient methods of conducting National Forest business. After the transportation system has been reasonably developed, telephone communication is of the greater importance and should be given precedence.

The ultimate telephone system on the Forests will undoubtedly represent a very large investment and the maximum efficiency and service must be aimed at. Full details of construction are given in the circular "Instructions for the building and maintenance of telephone lines on the National Forests."

Commercial companies and settlers should be encouraged to build lines on and near the Forests. The act of March 4, 1913, permits the free use of timber for the construction of telephone lines necessary for the protection of the National Forests from fire. Therefore in the cooperation with telephone companies and individuals it is proper for forest officers to issue free-use permits for poles to be used in the construction and maintenance of telephone lines in and near the National Forests whenever such lines will aid materially in fire protection. The general cooperative agreements with large commercial companies will follow the form which has been approved by the Secretary of Agriculture. Supervisors may, however, continue issuing special-use permits for private or independent lines.

Miners, settlers, logging foremen, and other persons needed in the fire plan of a Forest may be appointed per diem patrolmen and allowed telephone service free, and as far as practicable, without overloading the line, other persons in the National Forests may be allowed telephone service under a schedule of charges to be approved by the district forester.

The general cooperative agreements will be prepared by the district forester or district assistant to the solicitor with two copies for execution and a sufficient number of copies to provide one for the Forester's files and one for each of the supervisors interested. The district forester after obtaining the execution of the agreement in duplicate by the company and the approval of such execution by the district assistant to the solicitor will forward the two executed copies and one additional copy to the Forester, who, if the agreement meets with his approval, will present it to the Secretary of Agriculture for execution. The executed copies will be returned to the district forester who will send one to the company and retain the other for his files. The supervisors' copies will be completed and sent them after the executed copies are received by the district forester.

Cooperation involving joint ownership, construction, or maintenance introduces a division of responsibility which may affect communication and maintenance, as well as future growth and extensions, and therefore will not be entered into except in unusual instances, and then only with the specific approval of the district forester.

#### **Telephone Plans.**

The plan for a telephone system will include a map and a report. The map will show existing Forest Service and private lines and their character, and the location of exchanges and instruments, also the location and character of all new construction which will be necessary to meet the needs of Service business during the next five years. In addition, the map should show high-power electric transmission lines, roads, trails, ranger stations, lookouts, and all other points which may influence the establishment of the system.

The report will discuss, in the order of their importance, the proposed new lines, their need, location, character, and cost. The telephone systems should be grouped by natural divisions and each division designated by its two terminals. A branch line should be designated by its terminal and the divisions of which it is a branch.

The district forester will prepare, from the information furnished by the supervisors, a map of the entire district, showing the existing and proposed lines; this will insure coordination of plans between the various Forests and with the private systems. He will then issue instructions covering the general plan of the telephone system for each Forest.

#### **RANGE IMPROVEMENTS.**

For the complete and most economical use of the forage on the Forests, water may have to be developed and fences, corrals, bridges, trails, and other works constructed. Since such works directly benefit the stockmen, the Forest Service will allot funds for their construction only in exceptional cases when the benefit



to the Forest Farrants warrants the expenditure. The expenditure of funds for these purposes can sometimes be made more effective if the assistance and cooperation of interested stockmen can be secured.

The location and character of works needed for this purpose should be shown, so far as possible, on the improvement map, supplemented by a report describing the conditions which indicate the desirability of their construction, and the specific nature of the works proposed, and their cost.

#### **TIMBER SALE IMPROVEMENTS.**

Generally, timber operations on the National Forests are so extensive that the purchaser can be expected to construct all the works necessary for the removal of the timber, and the usual policy of the Service will be to offer no assistance in the actual construction of such works. If, however, bodies of timber can be made accessible to small operators and the sale of timber made certain by the construction of roads, chutes, or flumes, or by clearing streams for driving, these works may be undertaken by the Service, and the supervisor should include the necessary recommendations, with a description and estimate, in his improvement plans.

#### **PROTECTIVE IMPROVEMENTS.**

Firebreaks, lookout stations, and other works required to protect the Forests from fire are dealt with in the forest fire protection plan. In the improvement report the supervisor should include a summary of the works of this character, and give a very brief description and estimate of their cost.

##### **Ranger Stations.**

Buildings may be constructed for the field force to afford necessary shelter and to furnish an office for the efficient transaction of business. Land may be cultivated for the economical production of forage crops, and fences built to insure needed pasturage for live stock used by forest officers in their work. The buildings may be substantial houses to be used throughout the year, or they may be merely such structures as will afford the necessary shelter and domestic conveniences for officers during summer. These summer camps should be constructed where needed for the use of patrolmen, officers in charge of timber sales, or at such points as will serve the needs of officers traveling through the Forest.

##### **Cost.**

Under the provisions of the appropriation act of March 4, 1911 (36 Stat., 1246), the cost of any building shall not exceed \$650. It is expected, however, that this limit will not be reached, except possibly in the case of rangers' headquarters. Summer quarters ordinarily should not cost more than \$150.

The total cost of labor and materials entering into the construction of a building, regardless of the appropriation from which the expenditure may be made, must on no account exceed the maximum amount permitted by law.

Barns, sheds, and other small structures may be constructed at ranger headquarters when needed. Corrals may be built in connection with barns or pastures.

Office buildings may also be constructed for the use of district rangers or for summer headquarters of the supervisor when the necessity can be shown.

Plans for the erection of buildings or fences, to insure pasture or crops, will include a map to show their location and a report setting forth their need, character, and cost. In preparing plans and specifications for buildings the designs given in "Standard plans for buildings" should be consulted. The estimated cost of a building should be kept well within the legal limit in order to provide for every contingency.

##### **Survey of Administrative Sites.**

As rapidly as possible, all administrative sites used as headquarters for forest officers should be accurately surveyed and mapped on a scale of not less than 4 inches to the mile. This map should show topography, cover, soil, and the location of all improvements. The accompanying report should describe conditions and improvements, and should outline plans for the future development of the site for administrative purposes.

#### **PROCEDURE.**

##### **Allotments.**

Allotments to the Forests from the improvement fund will be made by the district forester, in conformity with the improvement plan, to provide for the construction of specific projects. Allotments will also be made, on the basis of the supervisor's annual estimates, for specific projects of maintenance of improvements, which can not be carried on by the regular field force in the time available for such work. Specific projects which have been approved and



allotted for not be abandoned without the approval of the district forester. Supervisors may transfer a part of the funds allotted for one approved project to another project, provided the transfer does not involve the abandonment of any project.

#### **Improvement Contingent.**

A contingent fund of approximately 5 per cent of the improvement allotment to the district should be reserved at the beginning of the fiscal year by the district forester. Allotments to complete the more important approved projects, the cost of which has been underestimated, should be made before this contingent is subsequently allotted to new projects of equal or lesser importance.

#### **Cost Keeping**

The cost of each project will be kept separately. In the case of large projects a classified cost record should be kept; this will serve as a measure of efficiency and also as a guide in future work of the same character.

#### **Annual Statistical Reports (Form 446).**

Supervisors' annual reports to the district forester will be submitted to the Forester annually on August 1. They will be prepared on Form 446 in accordance with the instructions given in Form 446a.

#### **Cooperation.**

Many of the improvements proposed will be of service to the general public, and every effort should be made by the supervisor to obtain the assistance and cooperation of individuals and of the county authorities in the construction of such projects.

#### **<sup>a</sup> Rights of Way.** (See also general statement, page 7-A.)

Rights of way for telephone lines in most instances should be obtained by purchase. The form, a sample of which has been issued to the forest supervisors, should be used. Ordinarily the nominal sum of \$1 should not be exceeded in purchasing telephone-line rights of way. Where the area traversed is so small that the cost of obtaining and recording the deed is not warranted, the written consent of the owner will suffice. If the telephone line right of way can not be obtained at a nominal or reasonable charge, action should be taken in accordance with the procedure outlined on page 7-A.

Rights of way for roads and trails for use of forest officers and general travel are generally granted free of charge by land owners, in which case the written consent of the owner will suffice. When such consent can not be obtained and the road or trail is an important one, the right of way should be obtained if possible by purchase at a nominal or reasonable charge. If this is impossible the necessity for the road or trail should be covered in detail in the form of a report and map which should be submitted to the district forester. If the right of way is then considered necessary by the district forester and the facts warrant condemnation in the judgment of the assistant to the solicitor, the district forester will recommend to the Forester that steps be taken to initiate condemnation proceedings or the assistance of the county may be sought to have a right of way condemned.

In all cases where a right of way is purchased the instrument of conveyance should be submitted to the district forester for the approval of the district assistant to the solicitor. The statutory requirements relating to the execution of such instruments vary in the different States. After approval by the district assistant to the solicitor the instrument will be returned to the forest supervisor and should be placed of record in the county wherein the land affected is situate.

(For instructions relating to rights of way needed in connection with timber sales see page 16-S.)

#### **Title to Lands for Improvement.**

Buildings and other structures should be erected only on withdrawn administrative sites or on National Forest land which has been properly posted. If Government land is not available the land should be leased. The policy outlined under "Quarters" should govern supervisors in the matter of leasing land.

#### **Signs.**

All trails and roads in or outside the Forests used by forest officers in the transaction of their duties and all streams and other prominent natural features should be provided with suitable direction or identification notices or signs.

#### **Disposal of Débris.**

All debris and refuse resulting from improvement work should be properly disposed of in order to reduce the fire hazard and to insure neatness and cleanliness.

### Contracts.

Improvement work can often be performed more economically by contract than by day labor. Contract work, to be successful, requires extreme care in drawing up the specifications and close supervision on the ground during construction. In order to guarantee a satisfactory fulfillment of the contract, it may be necessary in some cases to detail a forest officer to the project until it is completed.

### Request for Bids.

When the supervisor decides to let a contract for improvement work he will prepare the request for bids on Form R. The specifications should describe the project in minute detail. In addition to the quantity of material required the quality should be stated. In every case where it is necessary to give a clear understanding of the project the form should be accompanied by blue-print drawings or plans. All accompanying papers should be securely fastened to the form, and upon it should appear the statement, "In accordance with the attached plans and specifications which form a part of this bid."

Bids should be sent to as many prospective bidders as practicable, and every effort should be made to secure the best possible terms for the Government. The procedure which covers the authority of officers to accept bids is given under paragraph 25 of the Fiscal Regulations.

## 30 THE PURCHASE OF MATERIAL.

### Contracted Materials.

Contracts for certain classes of material used in improvement work are let by fiscal years. Notice will be sent supervisors before July 1, giving the names of successful bidders and the contract price for each class of material. Supervisors will order material for which an annual contract has been let only from the contractors.

Care must be taken to furnish exact shipping directions, together with a Government bill of lading and instructions regarding its use, whenever material is ordered.

### Purchase of Barb Wire.

Barb wire is ordered and charged for by pounds, but furnished in reels, which are not exactly uniform in weight. Consequently the total pounds furnished may be little more or less than ordered. The following model may be used in preparing Form 5a, to be sent when an order for barb wire is placed:

----- reels 2-pt. galvanized Glidden barb wire,  
----- pounds,  
at \$3.05 per cwt.  
(Annual contract.)

<sup>a</sup> If the signed voucher when received from the company checks with the shipment it should be certified and mailed to the district forester for payment; otherwise a new form should be prepared and returned to the company for signature, together with a letter of explanation. The weights per mile of the two kinds of wire usually furnished under contract are as follows:

	Pounds.
2-pt. galvanized Glidden barb wire, approximately-----	330
2-ply barbless wire, approximately-----	310

### Standard Telephone Equipment.

Before ordering material for telephone construction, the circular "Instructions for the Building and Maintenance of Telephone Lines on the National Forest" should be consulted, to secure conformity with the standards of construction and equipment prescribed therein.

### Telephone Wire.

In ordering telephone wire, the amount desired should be given in miles, although payment is made by the pound. No. 12 BB. wire weighs approximately 165 pounds per mile, and No. 9 BB. about 330 pounds. Both wires are furnished in one-half-mile coils.

<sup>a</sup> Paragraph modified; effective March 5, 1915. (39-A)



The following form is a model Form 5a to use when telephone wire is being ordered. If a voucher covers both annual contract and uncontracted material, the words "Annual contract" should be placed opposite each item which is on the contract list, instead of being written at the bottom of the Form 5a:

- 6 miles (---- pounds) No. 12 BB. galvanized-iron telephone wire, at \$3.89 per hundredweight.
- 2 miles (---- pounds) No. 9 BB. galvanized-iron telephone wire, at \$3.68 per hundredweight.

(Annual contract.)

The contract price for the current year should always be stated on the voucher. Shipments of wire may be received without the seal and stamp formerly required on shipments of this material.

#### **Insulators and Brackets—Instruments.**

Insulators and brackets are included in the annual contract. In the case of instruments and extension bells, the type should be given, whether 1,000, 1,600, or 2,500 ohm resistance, and orders for all other equipment and tools should conform as nearly as possible to the names and descriptions used by the company. Catalogues or booklets of the accepted bidders for different classes of material will be furnished supervisors each year.

#### **PURCHASE OF IMPROVEMENTS.**

When there are suitable quarters or other improvements on an unperfected entry within the Forest, and the claimant desires to relinquish his claim and dispose of the improvements, their purchase may be considered.

In such cases the policy and procedure outlined in Reg. L-41 and in the instructions covering Administrative Sites (p. 100-L) and under Quarters (pp. 24-26) should be followed strictly.

After the relinquishment has been made and the purchase authorized by the district forester, the supervisor will complete the purchase and submit the Form 5a to the district forester, together with a bill of sale (which must be properly witnessed and acknowledged), executed by the former owner. In no case can the purchase price of a building exceed \$650.

#### **Relinquishment of Unperfected Entry.**

The land on which purchased improvements are situated must pass to the control of the United States by lease if patented, and in such case the lease must contain a clause providing for retention by the United States of title to the improvements and the right to remove them at the expiration of the lease, or by lease or relinquishment if an unperfected entry. (See Quarters—Leasing Ranger Stations, p. 24.) The relinquishment must be entirely voluntary (see Reg. L-41), must be on the regular land-office form, and must be filed in the proper land office before payment for the improvements will be made. A copy of it will be forwarded with the Form 5a and the bill of sale to the district forester.

#### **RELATIONS WITH THE PUBLIC.**

##### **Relation of Forest Officers to the Public.**

Forest officers are agents of the people. They must answer all inquiries fully and cheerfully, and be even more prompt and courteous in the conduct of Forest business than in private business. They must, of course, obey instructions and enforce regulations without fear or favor; they must not allow personal or other interests to weigh against the permanent good of the Forests; but it is no less their duty to encourage legitimate enterprises and to assist the public in making use of the resources of the Forests. They must make every effort to prevent misunderstanding and violation of Forest regulations, rather than to correct mistakes after they have been made. Information should be given tactfully, by advice and not by offensive warnings.

##### **Accessibility of Public Records.**

REG. A-9. In general, the papers on file in the offices of the Forest Service relating to the transaction of National Forest business are public records, and as such are open to the public. Information should not be refused to



persons whose interest is legitimate. Recommendations on matters pending should not be made public. Equal opportunities for information must be given to all persons having an interest in any transaction. In conformity with the practice, and at the request of the Department of the Interior, all reports on public-land claims will be treated as confidential, and may be examined only by duly authorized officers and employees of the Government. Reports on June 11 applications and personnel reports are confidential, and may be examined only by duly authorized officers of the Government. Under no circumstances will inquirers be permitted to take papers from the files outside of the building.

#### **Allotment of Privileges to Trespassers.**

**REG. A-10.** All cases of trespass or fraud against the Government in connection with the National Forests will be handled on their merits as separate and independent transactions, and no effort will be made to force settlement of pending cases through the forfeiture of established privilege or preferences or the denial of privileges which might otherwise be granted to the applicant, except in cases where the trespasser has by fraudulent conveyance of his property or otherwise evaded satisfaction of judgment or where the denial of further privileges has been recommended by the Attorney General of the Department of Justice or his assistant, or by another bureau or department of the Government, or by the Solicitor of the Department of Agriculture or his assistant.

#### **Advisory Committees.**

**REG. A-11.** Wherever any association whose membership includes a majority of the local residents using a National Forest, or portion thereof, for like purposes, shall select a committee, an agreement on the part of which shall be binding upon the association, such committee, upon application to the district forester, may be recognized in an advisory capacity on behalf of the association, and shall be entitled to receive notice of proposed action and have an opportunity to be heard by the local forest officer in reference to any proposed changes likely to materially affect the use or interest in the Forest or portion thereof enjoyed by such permittees. The general principles of recognition and responsibility governing cooperation with live-stock associations are herewith extended, so far as they are applicable, to the other regular lines of business conducted on the National Forests.

This regulation is intended to offer a means by which local residents may confer with forest officers in reference to free use, timber sales, special use, claims, settlement, water power, etc. So far as applicable the procedure provided for dealing with recognized stock associations will be followed in dealing with all other associations of Forest users. Forest officers will endeavor to extend the policy of cooperation with the users of the Forests to the fullest extent, giving fair precedence to local needs when not injurious to the Forests or the broad purposes for which they are created.

#### **Investigation of Complaints.**

It is desired to give every opportunity for appeal in cases where on the ground of an incomplete statement of facts or nonconformity with the regulations there is good reason to question the decisions which have been made by forest officers, but, so far as possible, the burdening of forest officers with investigating and reporting upon appeals or complaints by irresponsible persons, or which are not well founded, should be avoided. Complaints regarding the conduct of forest officers or any action taken by them should be specific and include a statement of the facts, supported if possible by evidence or affidavit. Investigation will be made only when the complaint seems well founded and the circumstances seem to warrant it. The receipt of a complaint should always be acknowledged in courteous language, but if no substantial evidence is produced by a complainant this should be required of him before giving the matter further consideration.

#### **Uniforms.**

**REG. A-12.** Forest officers and employees assigned to field duty may be required, under such conditions as the Forester may prescribe, to furnish at their own expense clothing of standard designs and materials for their personal use in the performance of official duty.

\* Regulation added; effective Aug. 1, 1917. (41-A)  
April 1, 1921.

## APPEALS.<sup>2</sup>

**REG. A-13.** Except as otherwise stipulated or agreed in contract or permit an administrative action or decision by a forest supervisor shall be considered final unless written request for a reconsideration of the case is filed with the supervisor within ten days from the date of receipt of the announcement of his action or decision. The decision of the supervisor after receipt of a request for reconsideration of his earlier action or decision shall be considered final unless written notice of appeal to the district forester is filed with the supervisor within ten days from receipt of his decision. Decisions of the district forester shall be considered final unless written notice of appeal to the Forester is filed with the district forester within ten days from the receipt of his decision. Decisions of the Forester shall be final unless written notice of appeal to the Secretary of Agriculture is filed with the Forester within thirty days from receipt of his decision.

Unless the written notice of appeal contains an acceptable reason for allowing a longer time for the preparation of the case, the appellant, within ten days after filing notice of appeal, shall file a statement or brief setting forth in detail the respects in which the action or decision from which appeal is taken is contrary to or in conflict with the law, the regulations of the Secretary, or the determined facts. Upon receipt of such statement or brief the officer from whose action or decision the appeal is made shall prepare a statement or brief reviewing the case and presenting the facts and considerations upon which his action or decision is based. The two statements or briefs together with all papers comprising the record in the case shall then be transmitted to the officer to whom the appeal is made who will thereupon review the case and advise both the appellant and the subordinate officer of his decision.

### INSTRUCTIONS AND PROCEDURE.

#### **Additional Time to Complete Evidence.**

When all the evidence in the case has been filed by the applicant with the supervisor, he will examine the record carefully, and if evidence upon material points is lacking he will notify the applicant of the omission and advise him that he will be given 10 days additional in which to submit the missing evidence.

#### **Supervisor's Formal Decision.**

Within 10 days from the date of the filing of the completed record the supervisor will prepare a formal decision, discussing each point of the applicant's statement, and stating clearly the regulations and reasons upon which his decision is based. This will be forwarded by registered mail to the applicant.

#### **Further Consideration.**

Should the decision be adverse, the applicant may file written notice with the supervisor within 10 days from the receipt of the registered decision, requesting a further consideration of material new evidence. The applicant will be advised by registered letter of the action taken upon his request, and if it is granted, will submit the additional evidence within the time set by the supervisor. If the request is allowed, the supervisor will prepare a final decision, which will be transmitted to the appellant in a registered letter. If the request is refused, or if the supervisor's final decision is adverse, the applicant may appeal to the district forester by filing written notice with the forest supervisor within 10 days from the receipt of the registered notification.

#### **Appeals to the District Forester.**

In an appeal before the district forester, the appellant and the forest supervisor may each file an argument or brief reviewing the previous decisions and the evidence in the case. New evidence will not be admitted unless the applicant's request for the consideration of new evidence had been rejected by the supervisor, in which event the new evidence may be submitted to the district forester, and, if material, will be considered by him.

When an appeal is taken to the district forester, the supervisor will forward the complete record in the case to him for his consideration. When this is received, the district forester will review it and prepare a decision, which will then be sent by registered mail to the appellant, and a copy transmitted to the supervisor.

The supervisor's decision will not be reversed unless it is shown to be unwarranted by the facts, the regulations, instructions, or the law. When there is a variation in the statements of the supervisor and the appellant, but the preponderance of the evidence shows the supervisor to be justified in his action, he will be sustained.

<sup>2</sup> Regulation added; effective Jan. 15, 1921. (42-A)  
April 1, 1921.



Within 10 days from the receipt of the district forester's decision, an appeal to the Forester may be filed with the district forester.

#### **Appeals to the Forester.**

Where a case is appealed to the Forester the appellant may file one additional statement, reviewing the previous decisions and presenting the argument. The district forester will also file a statement. These two briefs, together with all papers in the case, will be presented to the Forester, and upon them his decision will be rendered.

#### **Appeals to Secretary of Agriculture.**

Appeals may also be taken to the Secretary of Agriculture from adverse decisions of the Forester. Any party availing himself of this privilege must, within 30 days from the time he receives notice of the Forester's decision, file with the Forester his petition for review by the Secretary of Agriculture. Upon receipt of the petition the Forester will submit all the papers to the Secretary.

#### **Field Investigation.**

A field investigation of an appeal case may be ordered by the district forester, the Forester, or the Secretary of Agriculture. The field examiner will submit a report, which will be considered at the time the decision is rendered.

#### **Examination of Records.**

Copies of answers or reports will be furnished the appellant in the discretion of the deciding officer. The appellant or his authorized agent may inspect the record of the case in the office of the supervisor, district forester, Forester, or Secretary of Agriculture, but will not be allowed to remove any papers. Statements of witnesses which have been submitted can not be regarded as confidential if they are considered as testimony. The appellant should be given full knowledge of the material facts contained in such statements, and of the identity of the witnesses. Statements submitted in confidence and which must be treated as confidential can not be used as the basis for a decision.

#### **Complaints.**

Upon receipt of a complaint in the district office, the district forester will determine whether the information in the files indicates that the supervisor's action should be upheld. If so, the complainant will be informed in writing that the supervisor's handling of the case was correct. If not, the information will be secured, by field investigation if necessary, and the supervisor given instructions. Unless clearly in conflict with instructions, where prompt action is necessary to prevent hardship, the supervisor's action will not be reversed on the basis of the record in the files when the complaint is received.

## **GRAZING APPEALS.**

### **SPECIAL INSTRUCTIONS.**

#### **Supervisor's Decision—Reconsideration.**

Upon receipt of request for a reconsideration of a grazing case, the supervisor will furnish the applicant with a copy of the grazing regulations and of the instructions upon which he based his decision, upon receipt of which the applicant will prepare his formal statement in writing, verify it by oath, and accompany it by affidavits of available witnesses. This statement when submitted to the supervisor will cover:

Actual and legal residence of applicant.

Period of residence.

Description and location by legal subdivisions of ranch property owned by applicant.

Character of ranch property owned by applicant.

(a) Improved farm land producing cultivated crops.

(b) Amount of summer pasture or range.

(c) Amount of winter pasture or range.

(d) Amount of land controlling water supply.

(e) Amount of forage produced annually.

Period of ownership.

Description of ranges upon which the stock was actually grazed during each of the years previously mentioned.

Number of years applicant has held a permit to graze stock on National Forest range.

Number of each class of stock grazed under permit during preceding year.  
Number of each class of stock fed during each winter.  
Quantity of forage fed during each winter.  
Statement of reasons for reconsideration, citing the regulations and special instructions contrary to the supervisor's decision.  
List of witnesses who can substantiate the preceding statements.  
List of affidavits submitted in corroboration of statements.  
And such other material facts as may have a bearing upon the case at issue.

## **OFFICIAL CORRESPONDENCE.**

### **CLASSIFICATION.**

#### **Washington Office.**

The correspondence of the Washington office will comprise departmental, Service, branch, and office correspondence.

#### **Departmental Correspondence.**

The following classes of correspondence will be prepared for the signature of the Secretary of Agriculture: Letters to the heads of other executive departments and answers to letters referred to the Forester by the chief clerk of the department with instructions to prepare answers for the signature of the Secretary.

#### **Service Correspondence.**

The following classes of correspondence will be signed by the Forester: Letters to the Secretary of Agriculture (except recommendations for appointments, changes in salary status of the personnel, and the certification of civil-service eligibles, which may be signed by the Associate Forester as Acting Forester); letters to the chiefs of other bureaus in the Department of Agriculture and to the chief clerk of the department; letters involving matters of policy affecting the Service as a whole; letters which, in the judgment of the assistant foresters, are of sufficient importance to require the signature of the Forester; and letters making allotments to branches and districts.

#### **Branch Correspondence.**

The following classes of correspondence will be signed by the assistant foresters: Instructions to district foresters on branch matters; letters dealing with matters of policy affecting the branch but not the Service as a whole; letters involving more than one office of the branch.

#### **Office Correspondence.**

Chiefs of office will sign correspondence not included under departmental, Service, or branch correspondence.

#### **District Office.**

The correspondence of district offices will comprise departmental, Service, district, and office correspondence.

#### **Departmental and Service Correspondence.**

Departmental and Service correspondence will comprise the classes specified under these headings for the Washington office.

Whenever possible, the district forester will submit letters for the signature of the Secretary or the Forester and not merely furnish statements to serve as the basis for the preparation of letters in Washington. All papers necessary for a complete understanding of the case should accompany such letters.

#### **District Correspondence.**

The following classes of correspondence will be signed by the district forester: Letters to the Forester; letters to other district foresters; letters materially affecting the standing of any forest officer; letters of allotment and authorization; letters dealing with matters affecting the district as a whole; and circular letters to supervisors necessitating additions to the field force. When dealing entirely with one line of work, these may be signed by the assistant district forester with the approval of the district forester. District foresters will sign letters to officers of the executive departments who are not in Washington, provided such correspondence does not deal with matters of general policy, when to correspond through Washington would seriously delay action.

Requests for status may be signed by the assistant district forester in charge of the office requiring it as acting district forester.



The assistant district foresters in charge of offices will sign correspondence handled in their respective offices not included above.

**\* Forest Correspondence.**

Supervisors will sign letters addressed to the district forester, to other supervisors on local Forest affairs, to subordinate forest officers, to the general public in matters of established policy, and to officers of executive departments who are not in Washington in matters of purely routine nature relating only to the business of the Forest, such as requests for status from local land offices, etc. They may correspond directly with the Forester in routine matters regarding the Forest Atlas, photographic supplies, and library (except requisitions for books), and with the property clerk in routine matters relating to property.

**\* Supply Depot Correspondence.**

Correspondence relating to requisitions for and shipments of supplies will be carried on directly with the property clerk.

## **SIGNING.**

**Prompt Action Required.**

Neither in Washington nor in the district or supervisors' offices must the absence of any officer interfere with action upon correspondence. When final action can not be taken at once the letter should be acknowledged immediately and the correspondent informed of the date upon which action will be taken.

Each member who prepares letters will keep a basket on top of his desk, in which only unanswered letters or other matters needing immediate attention will be placed. Unanswered letters or other papers dealing with unfinished current business must not be kept in drawers or pigeonholes. Important papers will be safely put away at the close of each day.

**Washington Office.**

Letters to district foresters will be signed only by administrative officers of the Forest Service. Letters to the public will be signed by members in Washington below the rank of assistant chief of office or of administrative assistant only when authorized by the chief of branch concerned, over such title as he may prescribe.

**\* District Offices—Details as Acting District Forester.**

In the absence of the district forester, district correspondence will be signed by a designated assistant district forester.

No member of the district office below the rank of assistant district forester will sign mail to users or other persons outside the Service, except under authority of the district forester, but office letters of a routine character to members of the district may be signed in the form prescribed by designated subordinates of the district forester and of the assistant district foresters.

Any letter to be signed in the district office or on the Forests by an official acting for another will be concluded in the following manner:

Below the subscription the name and title of the officer in charge will be typewritten, the name in capitals and the title in small type. Below this the word "By" will be typewritten, followed by a space for the signature of the official acting for the officer in charge, and to the right of this space the word "Acting" will be typewritten. When completed the form will appear as follows:

Very truly, yours,

JOHN JONES, Assistant District Forester,  
By *William Smith*, Acting.

In this form everything will be typewritten except the signature of William Smith.

**\* Supervisors' Offices.**

In the absence of the supervisor, the deputy supervisor will, as a general rule, sign all letters. If both the supervisor and deputy supervisor are absent, the supervisor will detail, in writing, a member of the forest force to serve as

\* Instructions modified; effective Oct. 1, 1920.

\* Instructions modified; effective Jan. 1, 1917.

acting supervisor, who will sign all letters in the form prescribed for the district office, except those taking action in important matters which should be acted upon by the supervisor in person upon his return. In such cases a prompt acknowledgment of the receipt of a letter, with a statement of the reason for delaying a final reply is necessary.

#### **Clerks Seldom Acting Supervisors.**

It may be necessary for an acting supervisor to approve important papers which may be required as evidence. It is important, therefore, that the approving officer be entirely competent to pass on their correctness. For this reason the practice of authorizing a clerk to sign as acting supervisor should be discouraged. Forest clerks who are thoroughly competent may, however, in the absence of the supervisors, act on and answer routine mail.

### **DISTRIBUTION.**

#### **Duties of Mail Clerk.**

The mail clerk will open and refer to branches and offices in Washington, and to offices and sections in district offices, by dating stamp, all letters and telegrams except those obviously personal and those addressed to the district fiscal agent and to the district assistant to the solicitor, which will be delivered unopened. Telegrams will always be referred by messenger as soon as they are received. In each branch and office one person will be designated by the chief to whom incoming mail will be delivered.

All incoming mail, no matter where it is received, will be stamped to show date of receipt. Letters, maps, or papers which have any bearing on applications of any kind must on no account fail to show the date received.

#### **References to Other Offices and Districts.**

When a letter pertains to the work of an office other than that to which it has been referred the clerk charged with the receipt of mail will refer it, by rubber stamp, to the right destination. If the reference is to a district, notice of such reference will be given to the writer by postal card (Form 41 or 42). If, however, it is necessary to reply by letter to a letter which is to be referred from Washington to a district, an extra carbon, together with the letter acknowledged, will be sent to the district forester stamped "Action required" or "For information," as may be appropriate.

#### **\* References to Other Departments and Bureaus.**

The reference of routine communications which require attention in other bureaus and divisions of the Department of Agriculture or in bureaus and divisions of other departments with which the Forest Service cooperates will be made from the Washington office by the use of Form 423, and from the district offices by the use of the appropriate Form 423-1, 423-2, etc., black record ribbon being used. Such routine communications will be referred to the bureau or division and not to any person by name. When such referred communications require comment or explanation in excess of the space provided on the form, reference will be made by letter addressed to the chief and signed by the Forester, if the reference is to a bureau or division of the Department of Agriculture in Washington (see "Service Correspondence," p. 42-A), or by the district forester if the officer addressed is not in Washington (see "District Correspondence," p. 42-A).

With the exceptions noted above, the reference of routine communications for attention in executive departments other than the Department of Agriculture will be made by the use of Form 422, prepared for the signature of the Secretary of Agriculture, black copying blue ribbon being used, and addressed to the Secretary of the executive department concerned.

#### **Letters on Law Matters.**

Letters requiring answers which involve interpretations of the law or the discussion of legal requirements or procedure should be merely acknowledged in the appropriate office and referred to the Solicitor of the department for answer. In letters pertaining to Service matters, but incidentally involving questions of law, the Service portion should be answered and extracts of the portions pertaining to law should be forwarded to the Solicitor.



## FORM OF CORRESPONDENCE.

### WASHINGTON AND DISTRICT OFFICES.

The following instructions pertain to the form of all correspondence except departmental. In preparing correspondence for the signature of the Secretary and the Assistant Secretary the instructions contained in Memorandum No. 99, issued by the Secretary of Agriculture on July 18, 1914, will be followed strictly.

#### **Spacing.**

All letters will be double spaced, except for quotations, which will be single spaced.

#### **Neatness.**

No soiled or rubbed letter will be signed, nor any letter in which corrections are carelessly made.

#### **Copying Ribbon—Record Ribbon.**

\* Black ribbon copying blue will be used for letters prepared for the signature of the Secretary of Agriculture. The ribbon should be changed often enough to insure good press copies. All other letters should be written with black record ribbon. Letters signed by the Forester with a space provided for the Secretary's approval signature will in every case be accompanied by an extra carbon on thin white paper for the Secretary's file.

\* Paragraph modified ; effective Apr. 1, 1920. (44-A<sup>1</sup>)





**Type.**

Letters prepared in the Washington office for the signature of the Secretary will be typewritten with elite type. Letters written by the Forester to the Secretary, upon which the Secretary is to sign for approval, will be typewritten with the standard pica type.

**Margins.**

Letters of not less than one full page should have a margin of approximately 1 inch at each side of the page. When a letter occupies less than one full page, the margins should be such as to give it a symmetrical appearance.

**Legal Documents.**

All legal documents will be written on letter-size paper.

**Numbering Pages—Initialing Pages.**

The pages of all letters and documents, except those of only one page, will be numbered at the bottom of the page, in the middle. To give space for the number, the last line on the page should be at least three-quarters of an inch from the bottom. When a letter is more than one page, all pages except the first will bear the initials of the person addressed, on the left side in a separate line at the top, triple spaced above the body of the letter.

**Paper.**

Correspondence and final reports will be written on white paper, and all memorandums and scratch copies, even though typewritten, on yellow paper.

**Date.**

The date should be half an inch below the lowest printed line on the letter-head. The month should not be abbreviated. Figures alone should be used for the day, as "March 30."

The date will be omitted in letters prepared in the Washington office for the signature of the Secretary of Agriculture until after such letters are initialed by the Forester, but will be inserted before the letters are forwarded to the Secretary for signature. The date will be omitted in letters prepared in district offices for the signature of the Secretary or of the Forester, and will be inserted on the letters and the accompanying carbons in the Washington office.

**Address.**

The name and address should be double spaced when they require but two lines, and single spaced if more than two.

Special care will be taken to prefix the correct title, either official or honorary.

Ordinarily Government officials, including officers of the Forest Service, will be addressed by their official titles only. The titles will be omitted from letters written to members of the Service by name.

**Salutation.**

"Dear Sir" should ordinarily be used, unless the letter answered has a more intimate form of salutation. Only in very formal letters should "Sir" be used. Titles should be written out.

**Complimentary Close.**

With "Sir" use "Very respectfully"; with "Dear Sir", "Very truly yours"; with "Dear Mr. ———" or "My Dear Mr. ———", "Very sincerely, yours."

**Language—Brevity.**

Use direct, clear-cut language. Avoid odd or lengthy words when shorter, simpler ones will express the idea. Avoid laborious statements, the essence of which might well be expressed in half the space. Very few letters need be longer than one page. Be concise but not curt.

**Avoid Preambles.**

Never use the substance of the letter received as a preamble to the reply. Unless the letter to be answered has already been acknowledged and further reference to its subject matter is necessary, its contents should not be indicated in the initial sentence. Reference must always be made, however, to file numbers or initials for identification.

#### **Form of Acknowledgment—Reference to Key Initials.**

For acknowledgments or replies to the public, the initial sentence should usually be in this form: "Your letter of March 30 is received." In correspondence between the various officers of the Service reference should also be made to the key initials on the letter answered, including the case or subject designation if its designation differs from the one to be used in reply.

#### **Courtesy of Diction.**

The phrase "you will" should not be used in giving orders or instructions. It is peremptory without adding force, and a friendlier tone is more courteous and fully as effective.

#### **Severity of Expression.**

Severity of expression will be avoided in conveying reprimands in correspondence.

#### **Impersonal Tone.**

Letters prepared for the signature of persons acting in charge should be impersonal in expression.

#### **Punctuation.**

It should be borne in mind that the purpose of punctuation is a clear understanding of the text by the reader. Too little punctuation is almost as bad as too much.

#### **Promises.**

When a promise is made, do not use such indefinite phrases as "within a few days," "before long." Specify the date upon which action will be taken, or, in the rare cases when that is impossible, give the approximate date, as "not later than ——."

#### **Letters of Identical Instructions.**

Letters of identical instructions from the Washington office to the seven district foresters will not be typewritten seven times in order to furnish each district forester with an original addressed to him individually, but such letters will be addressed simply "District Forester," and the necessary number of carbons will be marked at the top "Original." It will be understood that a thin paper carbon copy of a letter from Washington, *when thus marked*, so far from being less important than the ordinary letter, is a letter of exceptional importance, since it contains instructions for all the districts, and must be treated as such by the district foresters. Such letters will bear the original signatures of the administrative officers who send them.

### **NATIONAL FOREST OFFICES.**

#### **Supervisors' Offices.**

Wherever they will apply to the business conducted by the supervisor the foregoing general instructions will be followed in the preparation and handling of his correspondence.

The following additional rules will govern:

Never write a letter of transmittal in forwarding any document unless some explanation about it is needed. Indorse the document "Respectfully forwarded to the district forester," sign, and forward it with the recommendation, if any is required, to the district forester.

Supervisors will conduct all their correspondence in typewriting, except when away from their offices. Machines will be furnished upon requisition.

Letters and reports of subordinates transmitted by a supervisor to the district forester must be originals, not copies made by the supervisor. The supervisor will keep copies when needed for his own records or, when necessary, request the return of the originals.

#### **Rangers' Correspondence.**

Unless a ranger is equipped with a typewriter all rangers' letters will be written in ink or indelible pencil, and on only one side of the sheet. The subject designation for supervisors' letters will be followed by the rangers.



Correspondence with the public should be through the supervisor's office, but if it is essential to the prompt dispatch of business for the ranger to correspond directly with a user he will do so. A carbon copy will be kept of each letter and telegram written by a ranger.

## RECORD OF PROMISES.

### The Promise-Card Box.

Record of all promises involving future action will be kept in all permanent headquarters.

Except in rangers' headquarters, where the records will be kept on desk calendars, the equipment will consist of a standard promise-card box, daily and monthly guide cards, 3 by 5 inches, and plain white cards, 3 by 5 inches.

A promise will always be recorded at the time it is made. The date of fulfillment will be written on the first line of the promise card, and any change which may later become necessary should be entered on the same line. Below the date will be written the name of the person to whom the promise is made or who is otherwise concerned. The card will be dated in the lower left-hand corner. Every card will contain a memorandum or reference of sufficient definiteness to give a clear understanding of the promised action to anyone who may be required to complete it.

If the promise can not be fulfilled on the designated date, the person to whom it was made will be so informed, and the card will be redated for action and changed to the time guide for the new date.

When the action promised is long in advance or dependent upon contingencies not yet developed, it will be found useful to file the card so that it falls due at short intervals until the promise is fulfilled.

If when the promise is fulfilled no letter is required, the card will be checked and filed with the papers pertaining to the case; but if the record is completed by the filing of a carbon the card will be destroyed.

### Follow-Up System.

The same equipment will be used to follow up action requested, and the follow-up cards will be prepared and filed in the same way as promise cards.

### Requests to Field Officers.

To follow up requests to field officers for reports or action a white postal card (Form 326) and three yellow slips, 3 by 5 inches, will be used.

The date, case heading or subject, and key initials of the office will be entered on the slips and card by carbon duplication and the card forwarded to the supervisor with the request for report or action.

One slip will be filed in the office promise-card box two weeks ahead, as a reminder, the other two will be sent with the card to the supervisor. He will place the card and one slip in his promise-card box and send the other to the ranger concerned.

The ranger will enter the date on which work will reach the supervisor and return the slip. The supervisor will place this slip in his box as a promise from the ranger, destroy the other slip, enter on the card the date on which he will take the action required, and sign and mail the card as a post card to the district forester.

The reminder slip will be destroyed in the district office and the card filed under the date given by the supervisor.

## CARBONS.

Carbon copies will constitute the only record of outgoing correspondence. One carbon of every outgoing letter and telegram will always be kept in the office files.

Each letter written in the district office for the signature of the Secretary or the Forester will be prepared with three carbon copies. Two will be sent to Washington with the letter for signature and the other held in a waiting file by the file clerk. After the letter is signed the signature will be stamped on both carbons, one carbon filed in the Washington office and the other returned to the district office, where the carbon in the waiting file will be destroyed.

#### **Carbons Mailed for Information.**

Every letter written to a district forester which concerns the business of a particular Forest or refers to any specific case will be accompanied by a carbon copy for transmittal to the supervisor, with such supplemental remarks or instructions as the district forester may wish to add.

A carbon copy of every letter written in the Washington office to any person outside of the Service which concerns business in a district will be mailed to the district forester. In case it refers to business on a particular Forest two copies will be sent, one for the district files and the other for transmittal to the supervisor.

Supervisors should always be sent copies of letters written in the district office which concern their Forests. Whenever a letter written by the district forester to a supervisor concerns a ranger's work an extra carbon will be made for the ranger.

#### **Instructions in Carbons.**

Great care must be taken in all correspondence to avoid writing a separate letter when a carbon copy would suffice. Since carbons received in this way may contain important instructions, the recipients should always read them carefully.

#### **Carbons to Secure Approval of Recommended Action.**

When a request is made by the district forester for the approval of contemplated action by the Forester or the Secretary, an approval space as follows should be provided in the lower left-hand corner of the letter:

(Date) \_\_\_\_\_, 19—.

Approved:

\_\_\_\_\_,  
*Secretary (or Forester).*

Two carbons should be made—one to accompany the original letter to Washington and one to be retained in the waiting file in the district office until the return of the carbon showing the action of the approving officer.

### **INITIALING.**

#### **Every Document Must Be Dated and Initialed or Signed.**

Absolutely, without exception, every statement, memorandum, map, or document of any kind will be initialed or signed for authorship and dated.

#### **Washington and District Offices.**

When a letter is of more than one page, all initialing will be on the first page of the file carbon. Carbons should never be filed unless they bear the stamped signature or the written initials of the chief of the branch or office in which filed.

Signatures will not be stamped on carbons until letters are ready for mailing. The stamping of the signature will be a certificate that the letter has actually been mailed.

Letters will not be initialed on the original, except that letters for the signature of the Secretary will be initialed by the Forester in the upper left-hand corner of the first page. The carbons of letters written for the signature of the Forester will be initialed by the author in the lower left-hand corner. Above the initials of the author will appear the initials of the chief of the office in which the letter was prepared and of the chief of branch or district forester, in the order given. Initialing for authorship will be omitted if the signer has dictated the letter himself.

#### **Letters Affecting More than One Branch.**

When a letter or document prepared in one branch is of interest to another branch it should be initialed by the chief of the latter to signify his concurrence or to fix his responsibility for carrying out proposed work which falls to him.

#### **Stenographer's Initials—Initialing for Inclosures or Promised Action.**

The stenographer will stamp his initials in the lower right-hand corner of each carbon. If the letter contains inclosures, or if future action is promised,



the stenographer will stamp his initials twice, as a guaranty that the inclosures have been prepared or that the action promised has been noted. When the action can not be taken immediately, a promise card will be prepared, to be retained by the stenographer or given to any other person responsible for taking the action promised. When a letter entails typewriting by one stenographer and the preparation of inclosures or other action by another, the initials of both stenographers will be stamped in the lower right-hand corner of the carbon.

When the signer makes any changes with the pen in a letter of which he is not the author, he will return the letter to the author in order that the changes may be noted and entered on the carbon before the letter is sent to the mail clerk for mailing.

Carbon copies of signed letters sent as instructions or merely for information will bear no initialing, but will be exact duplicates of the original letters and not of the file carbons.

In approving memorandums, requisitions, and other office papers only initials will be affixed.

Letters prepared in the supervisor's office will follow the same routine in regard to preparation, form, inclosures, initialing, and dating as prescribed for the district office.

### TELEGRAMS.

° The procedure for correspondence applies equally to telegrams. The following general rules should be carefully observed: The telegraph should be used only when the delay in using the mail would be injurious to the public interests. Omit all unnecessary words. Numbers should be expressed in words. Ordinal numbers must not be abbreviated. Dictionary words or parts of such words should not be combined in single words for purposes of abbreviation; they are counted as separate words, and clearness is sacrificed without compensating economy. "Night" messages should be used when practicable.

° The following style of address should be used in all official telegrams:

To Washington Office:

Forest Service, Washington, D. C.

To district offices:

Forest Service, San Francisco, Calif.

To Madison laboratory:

Forest Service, Madison, Wis.

To property clerk:

Falck, Forest Service, Ogden, Utah.

To supervisors:

Forest Service, Prescott, Ariz.

All officers in charge of permanent field headquarters will register their telegraph addresses with the Postal and Western Union Telegraph Companies. The supervisors will inform the district forester by mail of any change in the address registered.

° In telegrams only the first word of the message and proper names will be capitalized, and punctuation, or words indicating punctuation, in the body of the message, except to indicate quotations, will not be used. Serious errors in telegrams received make this rule necessary.

Unsigned telegrams will under no circumstances be placed in the messenger's basket, but will be sent by messenger for initialing or signature. The messenger will in every case find the person or persons whose initials or signature is required, if in the building; and if out of the building will at once report to the person by whom the telegram was prepared. In the Washington office day telegrams when signed will be delivered to the telephone room for forwarding. In district offices outgoing day telegrams will be delivered to the mail clerk. In both the Washington and district offices all outgoing night telegrams will be delivered to the mail clerk and sent at the close of the day. When a telegram is

• Paragraph modified; effective Apr. 1, 1921. (49-A)

April 1, 1921.

written at or near the close of office hours, the person by whom it is prepared will make sure that it is signed and sent before leaving for the day.

The file designation will be placed on the file carbon of each telegram.

#### **Supervisor's Office.**

Whenever a supervisor leaves his headquarters with no one in charge, he should notify his telegraph office of the place where he can be reached by mail when not in direct telegraphic communication. Supervisors need not hesitate to use the wire when important matters demanding quick action arise, but they must make all telegrams as brief as possible.

### **MAILING.**

#### **Washington Office.**

In branches which have clerks specially assigned as mailing clerks, messengers will deliver signed letters, with accompanying papers, directly to such clerks, who will be responsible for all mailing from the branch. In branches and offices without specially assigned mailing clerks signed letters will be returned to the stenographers for mailing.

<sup>a</sup> Letters to the Secretary of Agriculture and letters prepared for the signature of the Secretary will be delivered from the branches and offices to the mail clerk not later than 9.45 a. m. and 1.45 p. m. for assembling in one envelope and delivery to the department messenger. Exceptions will be made of formal personnel recommendations to the Secretary, which will be forwarded directly from the Office of Accounts, and material for the Secretary's Office prepared at odd times and of sufficient importance to warrant its transmission by special messenger.

<sup>b</sup> Letters to the district foresters will be delivered to the mail clerk at or before 4.15 p. m. The mail clerk will segregate the mail by districts and use one envelope for all the mail to each district forester. When letters are signed too late to reach the mail clerk in time and when letters are of sufficient importance to warrant mailing earlier in the day the clerk in the branch or office who handles the ordinary outgoing mail will personally see to the mailing.

#### **District Offices.**

In district offices the messengers will deliver signed letters, with accompanying papers, directly to the mail clerk. Letters to the Forester and to the forest supervisors will be mailed in envelopes with printed addresses.

Envelopes with printed addresses should be used whenever the volume of correspondence with any addressee justifies it.

Envelopes for correspondence sent to the Forester, the district foresters, or the forest supervisors will be kept open until the end of the official day, when they will be sealed and mailed.

#### **Supervisor's Offices.**

All letters written to the district forester on the same day will be mailed in one envelope. A special desk basket will be set apart in which all mail intended for the district office will be deposited, with inclosures securely attached to letters. At the close of the day the letter, without being folded, will be placed in a large envelope and mailed. Printed envelopes will be furnished on requisition. When the day's mail consists of but one letter, however, the letter should be folded and mailed in an envelope of the ordinary size. Vouchers will not be inclosed with other mail.

### **ENVELOPES AND INCLOSURES.**

<sup>b</sup> Envelopes for letters to Forester, to a district forester, to a forester supervisor, or to any Government or other agency when the volume is sufficiently large to justify holding them until the close of the day and mailing in one envelope will be prepared by the clerk who does the mailing; ordinarily envelopes with printed or rubber-stamped addresses will be used. Envelopes for all other letters will be prepared by the stenographer and will accompany the letters when submitted for initialing and signature. Window envelopes may be used when the character of the correspondence justifies it.

<sup>a</sup> Paragraph added; effective Apr. 1, 1921. (50-A) <sup>b</sup> Paragraph modified; effective Apr. 1, 1921. April 1, 1921.



The stenographer will place in the envelope the inclosures which are to accompany the letters to be returned to the stenographer for mailing. When the mailing is to be done by another clerk the inclosures will be securely clipped behind the letter for signature.

The stenographer will not initial for inclosures until the inclosure has been actually made or action taken as above; nor will he initial as a token that other action promised in the letter has been performed until its performance has taken place or the necessary steps for its performance have been taken, as prescribed under "Carbons" and "Initialing."

When a document to be inclosed by the stenographer is of such a character that to withhold the letter from signature until the inclosure has actually been made would cause delay in mailing the stenographer will initial in the manner prescribed under "Initialing" and attach by clip a blue card to the addressed envelope as a reminder that the inclosure has not yet been made. This procedure will likewise be followed when a document to be inclosed is submitted with the letter for the information of the signer.

**Identification of Material Mailed Separately.**

When it is necessary to mail under separate cover maps or publications referred to in correspondence a slip of paper bearing the designation and date of the letter written will be attached to the material. In case such material is





mailed without a letter to be transmitted, it must in every case be accompanied by a slip of paper bearing the key initials of the branch or office in Washington or the office or section in the district office for which it is intended.

#### **Washington Office.**

#### **FILING.**

The correspondence files of the branches and offices in Washington may be assembled in branch file rooms or located in the individual offices, as may be most conducive to efficiency.

#### **District Office.**

In like manner the district Forester may, in his discretion, maintain a central file room in which all records of the district office will be assembled, or he may maintain separate files in offices or sections.

#### **Description of Files.**

The files will be maintained upon a subjective classification arranged on a self-indexing basis. No card record of filed correspondence will be made.

The complete subjective classification, with illustrations of the subject designations to be used in the Washington, district, and supervisors' offices, is given in a mimeographed circular headed "Subject designations and filing system." This classification must not be varied in the district and supervisors' offices without authority from the Forester.

Each branch and office file will consist of two general sections:

(1) A classified section, in which will be filed, behind appropriate guides, all correspondence which bears a subject designation expressed in words (e. g., F., Personnel, Jones, J. H.).

(2) A miscellaneous section, in which will be filed alphabetically, without regard to Forests or subjects, all correspondence bearing as a designation the letter Z after the branch or office key initial or initials (e. g., FZ, DZ, OOZ).

Correspondence which bears neither the letter Z nor a subject designation will be returned, with accompanying papers, to the office in which it originated for the proper filing designation.

All correspondence will be filed flat in vertical filing drawers, except where branches and offices in Washington now use for alphabetic files furniture which is especially designed for horizontal and not vertical filing. No new furniture designed for horizontal filing will be purchased.

As correspondence is received for filing, the file clerk will fasten the carbon to the answered letter. When the carbon is not accompanied by an answered letter, its pages will be fastened together as a unit for filing.

In designated transactions and specific subjects all correspondence will be fastened together in chronological order, with the last letter on top, by means of metal fasteners which penetrate the papers. Ordinary paper clips should never be used for this purpose.

When correspondence is withdrawn from the file room, a memorandum giving the designation of the file, the name of the person by whom withdrawn, and the date of withdrawal will in every case be placed in the folder or other place in the file from which the correspondence is withdrawn. In the case of single letters and their replies so withdrawn, the memorandum should include also the name of the correspondent and the dates of letter and reply.

In the miscellaneous section, when names of correspondents begin with the same letter, alphabetical filing will be by the spelling of the surnames, as Jenkins, Johnson, Jones. When correspondence from two or more persons of the same surname is filed together, it will be filed alphabetically by the initials of the given names, as A. Jones, H. Jones, W. Jones. If the initials are also the same, the spelling of the first name will be the guide to the filing, as Albert Jones, Alfred Jones, Arthur Jones. Correspondence filed under the same name will be filed chronologically, with the most recent letter on top. Correspondence with members of the Forest Service, with members of other bureaus, and with State officials will be filed under the name of the office of the correspondent, and not under his name or title. Correspondence with officials of firms, associations, and other private organizations will be filed by the name of the writer when the letter does not relate to the business of the organization.

If they wish, supervisors may insert behind the miscellaneous section a guide marked "Applications for positions," with either a single folder or an additional A to Z file, as may be required by the volume of business.

As an additional safeguard against failure to date maps, statements, or memorandums prepared in the Forest Service, file clerks must see to it that no paper without date and initialing or signature is filed.

#### **Circular Letters.**

Circular letters will be filed as other correspondence.

#### **Cross Reference.**

Cross references will be made whenever they will be of assistance in locating papers or correspondence. For example, Jones may write regarding the Smith timber sale. In that event Jones's letter and a carbon copy of the answer will be filed in the folder of the Smith timber sale. An extra carbon of the answer will be filed alphabetically as a cross reference in the miscellaneous section. The typewritten subject designation on the cross reference carbon should be crossed out with pencil and the appropriate Z designation substituted before filing. In case no answer is made to the Jones letter, a sheet of yellow paper bearing the name of Jones and the subject designation under which his letter has been filed will be filed under "Jones" in the miscellaneous section.

#### **Rangers' Files.**

Each ranger will be supplied with such standard filing equipment as, in the judgment of the supervisor, his business warrants. After receiving instructions from the supervisor on the method of keeping his files he will be held responsible for the completeness and correctness of his files.

#### **Rangers' Record.**

All records and notes of ranger district business should be considered as official, and rangers should keep them in such shape that they can be turned over to a successor as part of the regular official records of the district.

### **TRANSFERRING.**

#### **Washington, District, and Supervisors' Offices.**

<sup>a</sup> Correspondence filed vertically in the miscellaneous section will be transferred at the end of the fiscal year or of the calendar year as the volume of correspondence and limitation of filing space may require, with the accompanying alphabetic guide cards, to wooden transfer units of the same size as the drawers used for the current file. The entire file from A to Z will be transferred. Correspondence filed alphabetically in horizontal filing drawers in the Washington office will be transferred as drawers are filled.

<sup>a</sup> Correspondence filed in the classified section, under administrative subjects but not under specific designated transactions, will be transferred to wooden transfer units at such periods as in the judgment of the assistant foresters in charge of the respective branches concerned, in the Washington office, or of the district foresters, in the respective districts, the nature of the business may require. The series of guides and subguides in the current and closed files will be identical. Each folder containing files to be transferred will be marked with the filing designation and the period covered, and placed behind the appropriate guide or subguide, with the folders arranged chronologically from back to front.

<sup>a</sup> Correspondence in specific designated transactions will be transferred as the transactions are closed to wooden transfer units labeled "Closed File." The folders will be arranged in the closed file in the same relative order as in the current file. When all the papers in each transaction in a series (as with grazing permittees) can be united with a single staple by the ordinary desk stapling machine, one folder marked with the office designation, class of cases, and name of permittee or user may be devoted to all closed cases of this permittee or user, with the papers in each case stapled together, but when the bulk of the papers is such that they can not be united in this way a separate folder, with designation in full, will be used for each closed transaction. When more than one closed transaction are filed in the same folder the separate transactions will be filed chronologically from back to front.

Transfer units for the miscellaneous section will be labeled with the appropriate letters of the alphabet and with the inclusive dates.

Transfer units for correspondence under designated subjects, but not under designated transactions, will be labeled with the appropriate designation and the inclusive dates.

Transfer units for correspondence under designated transactions will be labeled with the appropriate designation, and, when the transferred folders fill more than one unit in a single class of transactions, with the inclusive letters in the alphabetical arrangement of the folders.

## **SURVEYING, MAPPING, AND PHOTOGRAPHY.**

### **SURVEYING.**

#### **Standard Instructions.**

The methods to be used in the surveys performed by forest officers are prescribed in Service instructions issued by the Forester, and in publications of the General Land Office.

<sup>a</sup> Paragraph modified; effective Apr. 1, 1916. (52-A)



In the settlement surveys, and all of the other surveys relating to the status of lands it is essential that the field work and the returns for each class of work should be uniform under uniform conditions throughout the Service. No departure from the standard instructions is therefore allowable except under specific permission to the district forester.

Under the widely varying conditions in different districts it is necessary that topographic reconnaissance shall be carried on under rules which provide for considerable latitude of action. The instructions for topographic work are therefore drawn to provide ample choice of methods. It is not desired that each district shall prepare its own instructions, but the closest cooperation and constructive criticism is desired in order that the Service instructions may be kept abreast of the development of the work and broad enough to meet special needs of the districts.

For all large reconnaissance projects in which there is any doubt as to the intensiveness of control necessary, or where the available data are insufficient or unreliable, a preliminary plan must be submitted to the Forester for approval.

Both in surveying and in the closely associated work of mapping, the features and lines of work which at any period are not specifically covered by Service instructions will be conducted within the discretion of the district forester, conforming as closely as possible to methods already standardized.

#### **Marking Boundaries.**

The boundary lines of every Forest and the boundaries of private lands within the Forests must be located and marked in order to prevent trespass and to simplify the administration of the Forest.

Where the boundaries can not be located accurately by the regular force, the matter of their survey by surveyors of the Forest Service should be taken up with the district forester.

In timber the boundary lines should be marked by Forest Service blazes. Boundary posters with the proper description should be placed at all corners and at intersections with trails, roads, streams, and ridges. The poster should face outward from the Forest, and should state that it marks the east, north, west, or south boundary, according to the specific part of the boundary line upon which it is placed. In openings, where there is no timber upon which the notices can be tacked, posts should be set. The intersection of boundary lines with important roads and trails should be prominently indicated by means of painted signs giving the name of the Forest.

#### **Record of Boundary Survey.**

When any work in connection with the survey or retracement of boundary lines, or the referencing of corners, has been performed by a forest officer, he will transmit his notes, sketch maps, and report to the supervisor, who will keep a record of all work of this nature on a map, showing the lines retraced, marked, or surveyed, the corners located or restored, and the points supplied with special signs.

#### **Reconnaissance Surveys.**

Great care must be exercised by the district forester in approving projects for reconnaissance surveys of considerable areas in order that areas in need of such surveys may be taken up in the order of their importance. The following order will be observed unless some special conditions prevent:

- (1) Large areas which are of value for agriculture and for which applications under the act of June 11 have been received (Land classification).

- (2) Immediately prospective timber sales areas (Timber reconnaissance).

- (3) Areas which have a high fire liability and hazard and are without adequate maps (Protection survey).

- (4) Areas subject to intensive use of forage (Grazing reconnaissance).

- (5) Timber reconnaissance for the purpose of regulating the cut.

A record of the areas covered by standard surveys should be kept by the supervisor on an administrative map. Annually the supervisor should forward to the district forester a map of his Forest, showing the areas so covered to date, with a statement of the total area and that covered during the previous year.

#### Corners and Marks Protected by Law.

Destroying, defacing, changing, or moving any corner, meander post, monument, or bench mark, or cutting down any blazed line or witness tree on any Government line or survey is prohibited by specific act of Congress. Forest officers should report violations of this law and themselves refrain from any act which may be construed as a violation.

#### Retracements and Restoration of Corners.

Retracements should be made in accordance with the circular of instructions issued by the General Land Office.

No one except a person who is acting under instructions from a surveyor general can legally restore a lost or obliterated land-office corner on the public domain or on Forest land. The metal cruising poster will be used to mark the location of lost or obliterated corners except at the points for section and quarter corners on Forest boundaries, where stone may be employed as described in the Field Program for April, 1914.

#### Record of Land-Office Corners.

Special procedure has been provided for the record of all land-office corners for which search is made.

### MAP MAKING.

Map making in the Forest Service is of two general kinds: From original surveys made by the General Land Office or the Geological Survey, or both; and from reconnaissance, strip surveys, or cruises made by the Forest Service in connection with the management of the Forests.

The general official name for the data which, with corrections and additions, form the bases for Forest maps, is the Forest Atlas. This is described in the "Instructions for Making Forest Surveys and Maps."

#### The Forest Atlas.

The *Forest Atlas* at Washington is the central depository for maps, diagrams, statistics, and history of the National Forests and forestry in general throughout the world. Its most important division is that of maps, and the most important maps are those of the National Forests.

The Forest Atlas now comprises 203 volumes, containing *sheets* exactly 18 by 21 inches. They are bound in loose-leaf holders in two ways: *Standard binders* have the binding margin on the 21-inch side, while *township binders* have the binding margin on the 18-inch side. No map is made on a sheet less than 18 by 21 inches, and larger maps are made on two or more sheets, which are always numbered from west to east, beginning at the northwest corner. Borders are omitted. The title consists only of the name of the Forest or the number of the township. The top of the map is always north. A binding edge of at least 1½ inches is always left blank on the west or left-hand side of each sheet.

The *standard scale* of the Forest Atlas is 1 inch to 1 mile. Whenever, in special cases, a larger or smaller scale is necessary for the preparation of any map in the Forest Service, it must sustain the simple relation of  $\times 2$  or  $\div 2$ . Thus the scale may be 2 inches, 4 inches, or 8 inches to 1 mile; or ½ inch, ¼ inch, or ⅓ inch to 1 mile. Under no circumstances will sheets be prepared for the Forest Atlas on the ratio of 3, 5, 7, etc. The scale of *township plats* is 2 inches to 1 mile, because that scale was adopted by the General Land Office, from which the plats were procured.

The Atlas sheets which cover a National Forest are called a *folio*, and are assembled in a paper *cover*, on which is printed an *index diagram* showing the number of the sheets.

Before any statement is issued by any branch or office it must be checked against any statements in the Atlas relating to the same subject, and the two must be made to agree. No sheets should be inserted in the Atlas which do not bear, under a given date, the approval by initial of the chief within whose field the data were collected. In Washington this applies to the chiefs of branch, and in the districts to chiefs of office.



#### District Atlas.

In the office of each district forester is a *District Atlas* consisting of 20 or more volumes, containing duplicate sheets of the Forest Atlas covering the area of the district. Whenever Forest Atlas folios have been duplicated by photolithography or otherwise for a National Forest, the officers have been supplied with copies. Copies of any Atlas folio are not to be sold or given away. They are strictly for the use of forest officers in the administration of the National Forests. Copies for distribution are not published.

Forest supervisors are supplied by the property clerk with binders for Forest Atlas folios, having the binding margin on the 21-inch side, and also with binders for land-office township plats, having the binding margin on the 18-inch side.

#### Corrections.

The folios are the "mother maps" which furnish the bases from which further map making will proceed in the Forest Service. They correspond to the mother maps of other countries in this respect—that they are compiled from official data upon a standard scale, 1 inch to 1 mile, and upon a uniform legend. They are not always sufficiently accurate for Forest work, and the sheets must, therefore, be corrected whenever new data have been obtained in the field. The manner of correcting sheets is shown on the "dummy" Atlas sheet, which has been issued to forest officers. The method is that used by printers in correcting proof. Bold lines should be drawn to the margin of the sheet and explanatory notes written clearly. The marginal note is necessary both to explain and to call attention to the correction, and if properly indicated on the sheet, letters, or memorandums telling how it should be corrected will not be necessary.

#### New Data.

The field data necessary for the preparation of Forest maps will be taken from the Geological Survey sheets or the Atlas folios when such maps are sufficiently accurate and from all field surveys by forest officers.

Such surveys will include examination of claims, and of applications for settlement, special uses and timber sales, entry surveys, and reconnaissance surveys for all purposes when the taking of topographic data is necessary.

New data obtained by reconnaissance are usually mapped on a scale of 2 inches or 4 inches to 1 mile. Such data should not be redrawn to the standard Atlas scale in the field. The reconnaissance tracings should be sent to Washington with a requisition, Form 988, for photo-reduction. For this and other reasons reconnaissance tracing and other base maps should be drawn with black ink only, and should show only the drainage, contours, culture, and land lines. Other data, such as classification, forest or grazing types, or administration districts, can be shown by appropriate colors upon two or more prints. By this method the tracing remains a record which is subject to very little change, and is not obscured by data which are of special rather than general value. The first reconnaissance of any area should include the drainage and contour, otherwise it will not be possible to "register" a second or supplemental reconnaissance with it.

Data resulting from field surveys should not be allowed to accumulate in the files, but should be posted as soon as collected on an original draft of the working-plan map. The field papers containing the data may then be marked "Posted" and filed.

#### General Maps.

In accordance with the "Instructions for Making Forest Surveys and Maps," requests for the compilation and issuance of a Forest map should be submitted to the Forester. If a supervisor has not already been supplied with a satisfactory general map of his Forest, which can be used for administrative purposes, he should submit corrected Atlas sheets or other data, as provided in the instructions, and send them with his recommendation, through the district forester, to the Forester. This recommendation should specify the kind of data which should be shown or omitted, the scale, and the number of copies required. On the majority of Forests the most satisfactory scale for a *general map* will

be one-half inch to 1 mile. If a larger or smaller scale is recommended the reasons should be given.

These general maps, when issued, will serve as base maps upon which may be indicated, by the appropriate colors or symbols, the location of various activities and transactions on the Forests. They should, therefore, so far as practicable, show the land-office surveys, drainage, prominent topographic features, and culture (works of man). The culture should include roads, trails, railroads, telephone lines, towns and settlements, and rangers' headquarters and summer camps. Other desirable data can be shown if within the limitations of the scale. Ordinarily, alienations can be shown best, where the scale is only one-half inch to the mile, by the use of color. If the supervisor requires too many of such maps to warrant their coloring by hand, the alienated areas can be printed, in a transparent tint, upon a portion of the edition, leaving the remainder as a permanent base map.

If a Forest has already been furnished with a *general map* on the half-inch scale and a sufficient amount of corrections and additions have been subsequently made to warrant the issuance of a *revised edition*, these corrections should be indicated upon a copy of the last edition, using red ink and following the method described in the "Instructions for Making Forest Surveys and Maps," and as shown on the "dummy" Atlas sheet. The same procedure should be followed in changing or correcting proclamation diagrams. Correction must be made on the map. Any reasons or explanations may be written, in red, on the margin where the draftsmen and engravers will not fail to see them.

#### Working-plan Maps.

Accurate base maps on a large scale showing the topography and culture are absolutely essential for the proper and successful management of the timber and forage, of special uses and settlement, and for the improvement and protection of the Forests. Such maps will be known as *working-plan base maps*. For these a scale of 4 inches to the mile, or even a larger one, may be advisable. On the other hand, a smaller scale may be adopted on maps of large projects, such as fire and water-supply protection plans. The topography will be shown by means of contour lines, intervals between which will be 20, 50, or 100 feet.

#### Special Maps.

Special maps are issued for the use of forest officers, to illustrate bulletins or circulars of the Forest Service, or as special publications for the dissemination of information which can be best expressed graphically. Such maps are not for general distribution, though some are sold, and they may even be given away under certain circumstances. A general map of a National Forest may be given to a user when it is necessary or convenient to show thereon the lands covered by a transaction.

General maps of the United States, showing the National Forests and related projects and data, unmounted, are sold by the Superintendent of Documents, Washington, D. C., at 50 cents each. A limited number of copies are retained in the Forest Service and furnished in some cases to State officers, State institutions, and libraries, where they will be accessible to the general public.

General continental or regional maps, showing natural forest areas or the distribution of tree species are furnished to State institutions and to some first-class libraries. When more than one copy of a general map is requested, as in the case of forest schools or agricultural colleges, a charge will be made for each extra copy.

Index maps, proclamation diagrams, and diagrammatic maps are treated as publications of the Department of Agriculture, and may be used to answer inquiries which could not be answered satisfactorily in any other manner.

In exceptional cases, as in return for services or courtesies rendered, when a request is made that a map be given to an individual or to an institution not included in those listed, the reason for such a gift should be clearly stated in the request, and should be indorsed or initialed by a forest officer before being forwarded to the Forester.



**<sup>a</sup> Maps Issued by Other Departments.**

Proclamations with diagrams creating or changing National Forests are issued by the State Department. A limited number will be held for the use of the Washington office and the remainder of the edition will be sent to the district forester and supervisor affected.

All map publications issued by the United States Geological Survey, including topographic and geologic quadrangles, will be obtained by a letter of requisition to the Forester stating that the publications requested are for official use.

When an advance topographic sheet for an area affecting a National Forest is issued by the Geological Survey, the Washington office will have a sufficient number of copies printed to supply each district and supervisor affected with 10 copies. These maps will be printed in two colors and on the same scale as the original publication.

State maps are issued by the General Land Office. Requests for them should be sent to the Forester.

Charts are issued by the Coast and Geodetic Survey. Requests for them should be sent to the Forester.

**<sup>a</sup> Township Plats.**

Township plats are prepared in the General Land Office. Some of them have been reproduced by photolithography, but the greater number are reproduced by photographic processes in the Branch of Engineering, the original plats being borrowed for that purpose, in accordance with a cooperative agreement between the Forester and the Commissioner. Three prints are made, being mounted, trimmed, and punched in accordance with atlas standards, and placed in the forest atlas at Washington, in the district atlas, and in the office of the supervisor. Requests for township plats should always be sent to the Forester, and should specify the date of the plat, as there are frequently several surveys and plats for a single township.

## PHOTOGRAPHS.

**Photograph Laboratory, Washington.**

<sup>b</sup> The Branch of Engineering at Washington is equipped for all classes of photographic work, including wet and dry plates, pictures and map prints, blue prints, Vandykes, enlarged transparencies and bromides, and lantern slides.

<sup>c</sup> It prepares originals for illustrations, photographs, and wash drawings for halftones, and line drawings for zinc etchings; it mounts pictures and maps on cards or muslin.

**<sup>a</sup> Requisitions for Photographic Work.**

Requests on the photographer at Washington for maps, diagrams, bromides, transparencies, lantern slides, etc., are to be approved by the district foresters where the requests originate in the field and by chiefs of branch for the Washington office.

**Prints for Official and Personal Use.**

<sup>d</sup> Care must be taken to distinguish between photographic material needed for official use and material desired by members of the Forest Service for their personal use. Photographic material for personal use will be supplied to members of the Forest Service only by sale. Photographs which are to be used for illustrating books or articles prepared by members of the Forest Service as individuals should be regarded as for personal use, and the character of this use should be clearly indicated by the requisition.

Photographic material may be requisitioned for outside distribution for the following purposes:

(a) To cooperators and others from whom aid has been received or by whom courtesies have been extended in furtherance of official work.

(b) For use in illustrating material to be published in newspapers or other periodicals.

(c) For use in book illustrations.

<sup>a</sup> Instructions modified; effective July 1, 1917. (57-A)

<sup>b</sup> Sentence modified; effective July 1, 1917.

<sup>c</sup> Sentence modified; effective Apr. 1, 1921.

<sup>d</sup> Paragraph modified; effective Apr. 1, 1921.

(d) For use in educational work—by lectures and schools and for exhibit purposes.

Requisitions for photographic material of any kind to be disposed of to co-operators and others who have extended aid or courtesies in the furtherance of official work must be initiated by a chief of office in the districts or in Washington. Requisitions for photographic material to be given, loaned, or sold for use in illustrating any book, article, or other printed matter, or for use in educational work by lecturers and schools or for exhibit purposes, must be initiated by the district forester or by a chief of branch and be approved by the editor. The editor has charge of all work designed to promote general education in forestry by the diffusion of information concerning forests and their best use, through the supply of information to newspapers and other periodicals, through the giving of addresses other than those before audiences of National Forest users with regard to National Forest work, or through exhibits in cooperation with schools other than technical schools of forestry. All requisitions for photographic or art work which will be used to promote general education in forestry must be approved by the editor.

#### **Lantern-Slide Collection.**

All exhibits and lantern-slide material owned by the Forest Service, whether in the districts, in Madison, or in Washington, will be considered a part of the Forest Service lantern-slide collection and the Forest Service supply of exhibit material, and will be under the direct jurisdiction of the editor, to whom will be made such periodical reports as may be called for.

#### **Sale of Prints.**

The act of March 4, 1907, authorizes the disposal of photographic prints (including bromide enlargements), lantern slides, transparencies, blue prints, and Forest maps at cost and 10 per cent additional. Decision as to whether or not material should be sold should be based on the same grounds as decision whether material should be loaned or given away. The object in every case should be to promote the work of the Forest Service or to diffuse information concerning forestry as effectively as possible. Generally speaking, gifts should be restricted to co-operators or persons who have extended aid or courtesies in furtherance of official work; but when a valuable educational result can be attained only if material can be furnished free, gifts may be made, in the discretion of the editor. When material is to be sold, the price will be in accordance with a schedule issued by the Forester.

#### **Use of Prints to be Stated in Requisition.**

The geographer will see, before initialing requisitions for photographic work, that the purpose for which the work is to be used is clearly indicated and that the requisition conforms to the above instructions.

#### **Substitutes for Defective Prints Sold.**

When money is received in advance for photographic work from negatives which may be defective, it can not be returned, because it is deposited with the Treasurer of the United States and is not available for Forest work. Substitutions of equal value can be made, however, from other negatives.

#### **Policy.**

The present purposes of the Forest Service in taking photographs are restricted to the following:

(1) *Temporary pictures*, necessary to accompany manuscript reports or furnish evidence.

(2) *Progress pictures*, where the changing conditions at any locality can be best shown by two or more photographs. (This does not mean that pictures should be taken to show the rise and fall of streams or the depth of snow when gauge readings and profiles are the best and most acceptable form of record.)

(3) *Special pictures*, having unusual interest, which may be used at illustrations in bulletins or other publications.

(4) *New pictures*, covering subjects not now in the Service collection. (This does not mean that every new permanent improvement must be photographed, unless it involved some extraordinary feature or difficulty of construction.)

The general policy in regard to permanent pictures for the collection as to obtain fewer but better and newer pictures.



## IN THE FIELD.

### Cameras.

Cameras are nonexpendable property and are issued by the property clerk at Ogden, Utah, on request (Form 668) approved by the district forester. Cameras should be issued only to competent men and be used only when necessary. When no longer needed they should be returned to the district forester or to the property clerk. Unless there are special reasons to the contrary only one camera should be allowed to each Forest.

### Films.

Films are *expendable* property, purchased under contract and are issued by the Forester on request (Form 988). Care should be used to indicate the exact size and make of the camera for which films are desired. If films are needed in an emergency for immediate use, they may be purchased in the field, in which case the individual making the purchase will include them in his expense account. Exposure of films will be for necessary official use only.

<sup>a</sup> Forest officers, using private films and obtaining negatives which, in their judgment, would be valuable additions to the collection, are urged to forward them, with requisition (Form 988) for new films to replace them.

#### <sup>b</sup> Form 166.

A record should be made in the field of each exposure so that an adequate description of the picture may be supplied. Form 166 (revised January, 1921), giving the author's remarks and description of each film should be prepared in duplicate and one copy inclosed in the package with the corresponding films when they are sent to Washington for developing and printing. The other copy of the Form 166 should be retained in the author's files. Each author should continue his series of numbers 1, 2, 3, etc., consecutively, as long as he remains in the Service. It is absolutely necessary that the Forester receive the Form 166 with each package of exposed films in order to identify them properly. The permanent number will be placed upon the films and upon Form 166 by the chief photographer. The author will be furnished with a print from each film, together with a Form 166 showing the permanent numbers assigned.

#### <sup>b</sup> Films Developed and Prints Made in the Field.

Only when needed for immediate use may films be developed and prints made in the field. Even then this should be done, when possible, by a competent photographer under contract at district headquarters. As soon as the prints have been made the developed films and the corresponding Form 166 will be forwarded to the Forester. In such cases the films must be correctly numbered with the temporary (author's) number to agree with the numbers on the Form 166. These numbers must be written with lead pencil on the margin of the films in such a manner as not to injure them. Prints will not be sent to the Forester.

## GENERAL.<sup>b</sup>

Spoiled films will be returned by the chief photographer with the prints of the good films. When films are transmitted to Washington with the Form 166 a set of prints will be made not only for the author but also for the district forester. Photographs of special merit will be placed in the Service collection.

## PUBLICATIONS.

### PREPARATION OF OFFICIAL PUBLICATIONS.

#### Selections of Subjects.

Suggestions of subjects on which publications might advantageously be prepared are welcomed from all members of the Forest Service. Such suggestions when made by members of the Forest force should be transmitted through the supervisor to the district forester. If the subject relates to investigative work or involves the compilation of data, it will be referred to the district in-

<sup>a</sup> Paragraph modified ; effective Apr. 1, 1921. (59-A) <sup>b</sup> Instructions modified ; effective Apr. 1, 1921. April 1, 1921.

vestigative committee. If it relates to administrative work and the suggestion is approved by the district forester, authorization may be sought from the Forester for preparing the proposed publication. Copies of letters requesting such authorization should be sent to the other district foresters. These letters should indicate the general character and scope of the publication proposed, by means of a brief provisional outline, and the name of the proposed author or authors. Authorization for preparing publications along scientific lines will be given through approval of the project as provided for in the chapter relating to the investigative committees.

The practicability of assigning the preparation of publications to the persons first suggesting them will be carefully considered by the district forester. First consideration, however, must in all cases be given to the man who can do the work best or who is most available for it.

#### **Preparation of Manuscripts.**

Authors should seek to put their publications or reports into the best possible form, and to make them complete in every detail, including table of contents and list of illustrations, before submitting them.

#### **Publication Credits.**

A proper assignment of credits to different men whose work contributes to any publication is often difficult. Many publications are prepared by men who utilize data derived from studies and reports of other men. In some cases the final work may be merely the compiling of results which are in the files; in other cases the author will use these data as a basis for an elaborated study; in others again he will use data gathered by others to supplement his own original researches. There will also be difficulties due to contributions of short or long passages covering points which need to be handled by some specialist, or in some branch other than the originating one; additions supplied by superior administrative officers, editors, and others; and criticisms so valuable as materially to raise the character of the publication. In short, many publications will be a composite of the work of many men.

The following is a statement of the general policy to be applied in the matter of credits:

(1) Publications embody primarily the work of the Forest Service, not of individuals. The views expressed must have the approval of the Forester, in order to be published. Statements are generally accepted as resting on the authority of the Forest Service, not of the man whose name appears on the title-page. If the work is faulty, the Forest Service is held responsible.

(2) Results which have been gathered by individuals belong not to the individual but to the Forest Service. No one has a right to demand that the use of his results shall be in any way controlled or restricted by considerations of a personal character.

(3) The Forester has a right to expect all members of the Service to contribute willingly and to any extent toward making any and all publications as



good as possible, without expectation of personal credit, whenever the presentation of the subject matter of the publication in the best form (i. e., in the form which will secure the best results) will be interfered with by the giving of such credit.

(4) It is, however, desirable, from the standpoint of efficiency of publications as well as of fair treatment of those who prepare or contribute toward Service publications, that, within reasonable limits, credit should be given to each man for his own work. The giving of proper credits is a stimulus to good work; and it is also an advantage to the Forest Service to increase the reputation and scientific standing of its members.

(5) Especially is it highly demoralizing to permit one man's reputation to be increased at the expense of that of another man who sees credit for important work given to some one else.

(6) It is important that publications should, just as far as possible, appear as the work of an author or authors. This means that the principal credit must necessarily go to not more than two men.

(7) The man who has actually put the most into the publication should have principal credit for it. This may or may not be the man whose field work furnished the data. When the digesting of raw material constitutes the principal scientific contribution to the publication, the man who does the digesting should have the principal credit. On the other hand, when one man merely puts into shape for publication material which has been thoroughly and satisfactorily worked up by others, he is the editor or compiler, not the originator. In such cases he should at most not appear as more than the junior partner in the work.

(8) Administrative responsibility for work includes an obligation to see that the material prepared for publication is as well prepared as possible. Supervision of work, though it may actually make suitable for publication the completed report, does not entitle the one supervising the work to assume credit as the author.

(9) When a man undertakes a publication concerning work of which he has charge, the necessity of acknowledgments to those who have either assisted in gathering the data or contributed to the writing of the work under his direction is a matter of administrative judgment. It would be absurd for the chief of a field party conducting an investigation to feel it incumbent upon him to name all the members of the party and state what measurements had been taken by each; and the good of the Service often requires that one man should prepare matter for another man to use as though it were his own. On the other hand, the holding of a superior position does not entitle anyone to take credit for another man's work. The deciding principle must be the good of the Service, before which every personal consideration must give way.

(10) When publications combine the original work of several different men, no one of whom can, in fairness to the others, be recognized as the principal contributor to the completed study, one of two courses may be followed:

(a) If there is a compiler who has contributed in an important degree to the working up of the final conclusions, he may be recognized as the author; but the first paragraph of the bulletin should be an apportionment of credit indicating what is, in the judgment of the administrative officer in immediate charge of the work, the relative share of credit which belongs to the compiler and to the various persons whose results are utilized.

(b) If the compiler's share in the work is, in the judgment of the administrative officer in charge, relatively subordinate, it is manifestly an injustice to the others concerned to permit the compiler's name to appear on the title-page without their own names. In such cases it would be better not to put any name on the title-page, but to apportion the credit in the opening paragraph of the publication.

(11) Minor contributions, either in the form of footnotes or of short passages for insertion in the body of the text, consisting of discussions of technical points falling within the field of a branch or office other than that in which the publication originates, should generally be given freely without the expectation of credit. The Service can not follow the same method which the author of an outside publication would in giving credit to everyone who had rendered any assistance. Nevertheless in some cases acknowledgment for even a small con-

tribution which is essentially original work may properly be made. It is believed impossible to lay down a hard-and-fast rule. Much will depend on the context. On the one hand, matter should be furnished cheerfully without stickling for acknowledgment. On the other hand, if the effectiveness of presentation of the subject matter is not interfered with by the giving of credit, such credit may be given.

(12) In general it is better for authors in preparing manuscripts to give too many credits than too few. The editing of publications will, however, include taking into consideration whether the acknowledgment made by the author should stand. In case of the failure of the editor and the author or person given credit by the author to agree, after consultation with the chief of the originating branch, the point at issue may be laid before the Forester.

To sum up: It is desirable to give credit for original work, in so far as this is possible without detracting from the value of the publication through minute or excessive acknowledgments or interruptions of the continuity of presentation.

#### **Review of Manuscripts.**

Manuscripts intended for publication which originate in a district office will not be transmitted by the district forester to the Forester until they have been carefully reviewed in the district office and are approved by the district forester as complete and satisfactory. They should then be submitted to the Forester. If approved by the chief of branch, they will be submitted to the editor for final review. When submitted to the editor they must be accompanied by the necessary illustrations, tables, and diagrams, and must bear the initials of the chief of branch, as well as those of the district forester (if they originated in a district office), the chief of office, and the author. Manuscripts will be taken up for review in the order in which they are received and registered. Chiefs of branch may at any time make changes in the order in which manuscripts originating in their respective branches shall be taken up, but only by direction of the Forester shall any manuscript of one branch be given precedence over that of another which was registered earlier.

Manuscripts will be reviewed by the editor both for their technical accuracy and their literary form. When a manuscript has been edited it will be submitted to the chief of branch concerned for his approval. In case of disagreement between the editor and chief of branch concerning the desirability of suggested changes the question as to whether the changes shall stand will be referred to the Forester for final decision.

After a manuscript has been transmitted for publication by the Forester the responsibility of putting it through the press will rest solely upon the editor, who will deal directly with the Division of Publications. He will submit first proof to the chief of branch, who, if he thinks it desirable, will transmit the proof to the author. The editor, in revising proof, will make no change which involves technical questions without the approval of the chief of branch.

### **DISTRIBUTION OF PUBLICATIONS.**

Publications may not be distributed to the public by members of the Service except when it is desired to send a marked copy referred to in a letter or to hand a copy to a visitor.

Supplies of publications which are intended for distribution to the Forest force, and also of publications which supervisors should have for use in office interviews and in correspondence with the public, will be sent to supervisors directly from Washington, with notification from Washington to the district foresters of the action taken.

Each Field Program will list all publications issued during the preceding quarter. Requests for any of these publications, or for any other publications, either of the Forest Service or of any other bureau of the Department of Agriculture, desired by any forest officer for his individual use should be submitted to the forest supervisor and filled by him if he has an available supply. If he has not, the request should be transmitted by the forest supervisor, with indication of his approval, directly to the Forester. Publications thus requested, or a notification that they are not obtainable, will be sent directly from Washington to the officer who makes the original request.



## FIELD PROGRAM.

The Field Program is issued from Washington on the 15th day of January, April, July, and October. Material intended for the Field Program will be forwarded from district offices in time to reach Washington not later than the 2d of the month of issue.

A sufficient number of Field Programs, in envelopes, will be sent to each supervisor to supply all officers on his Forest. Immediately upon their receipt the supervisor will have the envelopes addressed and sent to officers on the Forest. Sufficient Field Programs, not in envelopes, will be sent to district foresters for immediate distribution to district offices. Changes in the number to be sent any supervisor will be indicated by him to the Forester.

## EDUCATIONAL ACTIVITIES.

### Information for the Press.

District foresters and supervisors may furnish information sought by newspaper men concerning Forest Service work. Information should not be furnished concerning matters pending before the Secretary or the Forester for decision or which might develop differences of a controversial nature between the Forest Service and any other bureau or department of the Government.

It is desirable that all proper opportunities should be afforded the public to understand the work of the Service and the principles and application of forestry. Controversy, self-advertisement, and partisan discussion of questions of policy must, however, always be avoided, as well as criticisms of any other bureau or department of the Government. Both district foresters and supervisors should be accessible to newspaper men and respond to legitimate demands for information, while exercising discretion and tactfulness in furnishing information.

### <sup>a</sup>Attendance at Meetings.

Forest supervisors may, at their discretion, attend and authorize other officers attached to their Forests to attend meetings of advisory boards and other local meetings which directly affect the administration of the National Forests to which they are attached. Members of the district office may be authorized by the district forester to attend such local meetings. Care should be taken, however, that the Service is not represented by more men than are necessary.

Meetings of State and national stock associations and other like organizations directly affected by National Forest administration and held in any district may be attended by not more than two forest officers of that district on authorization from the district forester. The attendance of additional officers requires approval of the Forester, except where no expense is involved.

District foresters may, at their discretion, authorize members of the Service in their districts to attend, in connection with the work of the Forest Service, local meetings, other than those previously specified, on or near National Forests, at or near the official stations of the men designated to attend, or in the course of official travel, provided expenses incurred are not disproportionate to the results to be obtained. Attendance at meetings of more than local scope, except those specified in the preceding paragraph, requires specific authorization from the Secretary of Agriculture.

Letters requesting the authorization of the Secretary of Agriculture for attendance at meetings by members of the Service will be prepared and filed in the Office of the Editor, which will keep a record of addresses made at all meetings by members of the Forest Service, except meetings of Forest users and stock associations which forest officers may attend for the purpose of transacting National Forest business. All persons making addresses other than those covered by the above exception will, immediately after the meeting, submit a report (Form 129) to the Forester, through the district forester or chief of branch, stating the character of the meeting, approximate attendance, the results believed to have been secured, and other matters of a similar nature. District foresters will see to it that Forms 129 are submitted promptly.

<sup>a</sup> Exhibits.

Funds available for the purpose may be expended, subject to approval by the Forester, for the display of material illustrative of the work of the National Forests, at farm produce exhibits, county fairs, apple shows, land shows, and similar exhibitions in National Forest States.

District foresters may authorize participation in such exhibitions as are named above, within their respective districts. Authority to participate in exhibitions of wider scope should be obtained from the Secretary through the Forester.

<sup>a</sup> Motion Pictures.

All motion-picture activities of the department are under the general supervision of the Committee on Motion-Picture Activities and should be conducted in accordance with paragraph No. 197 of the Administrative Regulations of the United States Department of Agriculture.

<sup>a</sup> Lantern Slides.

When, because of immediate need, lantern slides are made in the field, they should as soon as possible be sent to the Forester for cataloguing and recording. When this is not practicable, negative numbers or full descriptions should be reported to the Forester and the catalogue numbers which are returned should be added to the new slides. It is important that a complete record of all slides in the districts and at the Forest Products Laboratory be kept in the Office of the Editor.

## CHANGES IN THE REGULATIONS AND INSTRUCTIONS.

Changes in the regulations or instructions contained in the loose-leaf National Forest Manual will be embodied in new loose-leaf sheets, for insertion or substitution, as the case may be. The new loose-leaf sheets will be accompanied, when sent out, by a separate printed notice of the amendment made. Notices of amendments will be numbered serially.

Each forest officer supplied with a Manual must keep it up to date, under the following procedure:

First. Immediately on receipt of new loose leaves, accompanied by the notice of amendment, the entries provided for on the sheet "Changes in regulations and instructions," forming page I of the Manual, should be made. The number of the amendment will be the serial number of the notice; and if two or more amendments are received at one time, they must be posted in the order of the serial numbers of the notices.

Second. After the record of the amendment has been posted the new loose leaves will be inserted in the Manual at the proper place as shown by the paging; and if a substitution for loose leaves already in the Manual is involved, the old loose leaves will be removed and the forest officer will write across their face "Superseded—", 19—" (giving the date of the notice of the amendment).

<sup>b</sup> Third. Notice of amendments will be inserted in serial order in the back of this Manual, behind their proper guide cards. Superseded loose leaves will be filed in a special file maintained for that purpose.

<sup>b</sup> In posting amendments and in inserting notices of amendments, care should be taken to see that the amendment of immediately preceding serial number was posted and the notice of amendment inserted. If the notice of the amendment is not found, the forest officer should at once take the steps necessary to obtain both it and the corrected sheet to which it refers. Copies of the National Forest Manual will be subject to inspection to see that they are kept up. When a new ranger is appointed he will be furnished with a copy of the National Forest Manual.

Old loose leaves are filed, to enable forest officers to determine, at any time, what were the regulations and instructions in force at a previous time, should the proper handling of current transactions, initiated before a change was made, require such knowledge.

<sup>a</sup> Instructions added; effective July 1, 1917.

(64-A) <sup>b</sup> Paragraph modified; effective July 1, 1915



## **PROTECTION.**

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### **PROTECTION FROM FIRE.**

#### **Need for Protection.**

Practically all of the resources of the National Forests are subject to severe injury, or even to entire destruction, by fire. Besides the direct damage which fire may do to merchantable timber, to the forage crop, and to watershed cover, it may nullify all attempts at the practice of forest management, such as the regulation of cutting to insure a second crop of timber, the planting of denuded areas, and the restriction of grazing to assist regeneration.

Nowhere else can be found an exposure of forest property to fire loss equal to that which the National Forests present. This is due to the magnitude of the resources, the relative inaccessibility of the timber, the climatic conditions, the sparseness of population, and to the constant use of fire in the daily life of the people and in the industries.

The protection of the Forests from fire is, therefore, of paramount importance, and the most careful and systematic study must be given to the problem of affording the greatest protection at the lowest cost.

#### **What Governs Protection.**

Fire protection involves a consideration of (1) the fire liability or the damage which may result; (2) the fire hazard or the degree to which the Forest is subject to fire danger; (3) the difficulty and cost of prevention and control.

### **METHODS OF FIRE PROTECTION.**

#### **Measures for Protection.**

Measures for fire prevention and control may be grouped under four heads: (1) Those to lessen the fire liability; (2) those to reduce the fire hazard; (3) those to decrease the cost and difficulty of discovering and controlling fires; and (4) those to secure promptness and efficiency in actual fire fighting.

Under the first head would be included the disposal of valuable timber exposed to very great fire hazard; under the second, the encouragement of grazing to remove inflammable undergrowth or to keep down grass and the removal of slash or brush piles; also the education of the public in the safe use or avoidance of fire, the enforcement of preventive laws and regulations, and the general surrounding of the use and occupancy of the Forests with proper safeguards. The third classification should include the construction of complete systems of communication, transportation, lookouts, and firebreaks; the preparation of accurate maps to show the conditions which affect the fire problem; and the apportionment of equipment and supplies. The fourth classification covers agreements with other organizations or industries which would be involved in fire losses, to report and extinguish fires which they discover; also the employment or assignment of men for patrol duty and arrangements to secure labor, supplies, and equipment in anticipation of fire fighting.

### **THE FIRE PLAN.**

To insure the adoption of every practicable means for protecting the Forest property from fire, a systematic study of the conditions on every Forest is necessary. The complete fire plan resulting from this study is simply a description of the fire liability and hazard and of every means which have been or

may be taken to meet any emergency which may arise. The fire plan will be prepared by the supervisor and in the light of experience will be modified and strengthened at the close of each fire season.

It is impossible to prepare one standard plan which will meet the local conditions on all National Forests. Therefore the instructions which follow should serve only as a general guide to the supervisors, who should have the widest latitude in developing the details of the plan to meet their peculiar needs.

#### **Maximum Efficiency with Minimum Expense.**

No supervisor should consider his fire plan complete until he has considered every possible means by which the fire liability and hazard and the cost and difficulty of suppression may be reduced, or until he has evolved a system which will, at the minimum expense, afford the maximum protection which the conditions demand.

#### **Collection of Information.**

Complete information is a prerequisite to the formulation of a perfect fire plan. This information will not be obtained until the entire Forest has been covered by intensive reconnaissance; and since it will be many years before this information will be fully available, the first draft of the fire plan must be prepared from such maps and data as are at hand.

#### **Maps.**

Of first importance is a topographic map which shows accurately the cover and cultivation; means of communication and transportation; location of settlements, sources of supply for labor, equipment, food, and forage; and location of camping grounds, lookout stations, and firebreaks.

#### **Special Protective Surveys.**

On those Forests which have an extremely high liability, and of which the existing maps are very inaccurate, the project of a protective survey should be considered. Such a survey should aim to produce merely an accurate topographic map with a delineation of the types of cover and a rough estimate of the timber. Ordinarily a survey should not be undertaken for this purpose alone if its cost will exceed 1 cent per acre.

#### **Statistical Information.**

The fire-protection map should be supplemented by statistics by ranger districts, giving an appraisal of the liability, the degree of hazard, and the liability insurance (or the amount of money which may properly be expended for fire protection) based on the value of the property to be protected.

### **THE FIRE LIABILITY.**

The amount of money which may properly be expended on protection naturally is determined by the amount of damage which fire may inflict, and this damage is, in turn, dependent on the character and value of the forest cover. Therefore the fire liability of each type of forest should be determined as accurately as possible by means of a study of the results of previous fires. Damage may include the actual loss of merchantable or potentially merchantable timber; of forage; of protective value; or in the reduction of the productiveness of the land. Ordinarily, the liability should be expressed definitely in terms of money.

#### **Reduction of Liability.**

The study of the fire liability should include the determination of the location and amount of merchantable timber in burns, or in isolated bodies, which are so situated that successful protection is practically out of the question. The sale of such bodies of timber should be carefully considered.

### **THE FIRE HAZARD.**

The fire hazard depends upon the inflammability of the forest cover and upon the degree to which it is subject to the chance of ignition. The hazard of dif-



ferent types of forest can be measured only in terms of relative risk, such as high, moderate, and low. The determination of this risk will involve a study of the history of fires on the Forests, with particular reference to their causes and frequency and to the forest's inflammability.

#### **Reduction of Hazard.**

Measures to reduce the fire hazard will include the grazing of areas not now grazed, the removal of combustible material from camping sites and other areas of great hazard, the burning of slashings or old burns at safe seasons, the use of oil as fuel and of spark arresters on locomotives and other engines, and the adoption of silvical methods which will help to keep the Forest free of combustible material.

### **PREVENTION AND CONTROL.**

The methods and the cost and difficulty of extinguishing a fire varies not only with the type of cover, but with the kind of fire. Thus in regions where fires are easy to extinguish and do but little damage there will be required protective measures which will differ from those for Forests which are subject to complete destruction and in which fires are extremely difficult to control. A careful study must therefore be made of the relative cost and difficulties of fire control in the different types of forest.

#### **Transportation and Communication.**

The costs and difficulties of prevention and control will depend also upon means of transportation and communication. An adequate system of roads and trails and means of communication between lookouts, patrol stations, and the headquarters of rangers and the supervisor is of utmost importance.

These subjects are treated in detail in the Improvement Manual.

#### **Firebreaks.**

Firebreaks greatly reduce the hazard and the cost of prevention and control. Their absolute value is not as yet wholly determined for the United States, but they are widely used in European forests. It is evident that a most careful investigation must be made to determine what their character should be and what is their utility in proportion to their cost.

#### **Classes of Firebreaks.**

In general, firebreaks fall into three divisions: First, topographic; second, isolating; and third, divisional. The topographic are those on ridges, along contour lines, at the base of slopes, and along streams. Nearly always they serve also as means of travel and become part of a permanent system of roads and trails. There is no question as to the utility of this type. Isolating firebreaks take advantage of the difference in liability and hazard of the forest cover and aim to segregate certain areas. Divisional firebreaks are constructed more or less arbitrarily through large areas of similar cover and regular topography. Their purpose is merely to subdivide the area and afford smaller units within which the fire may be restricted.

#### **Character of Firebreaks.**

Firebreaks may differ also in character. In many cases mere trails or plow-furrows are sufficient, as in open yellow-pine forests. Again, the removal of combustible material from a strip 5 to 10 feet wide and brush for a farther distance up to 50 feet on each side may be necessary. Sometimes also the felling of dead trees for a distance of from 100 to 300 feet on each side of the cleared strip will help to reduce the hazard and to insure the success of measures of control.

#### **Maps.**

Maps are required in the preparation of a firebreak system. They should show types of cover, lines of travel, and the location of natural fire barriers, such as water, landslides, glades, meadows, heavily grazed or barren areas, and cliffs, together with the proposed system of firebreaks.

#### **Construction.**

The construction of firebreaks will be handled in the same manner as other improvement projects. In recommending a firebreak a detailed report should be made showing cost, character, and utility not only for fire control, but as a means of travel. The estimates of cost should include expense of maintenance.

#### **Lookout System.**

Lookout points are of great value in discovering and locating fires, and on those Forests on which an extensive system of protection is to be adopted a complete system of lookouts is essential. Their establishment will depend on careful selection in the field and the preparation of a map which shows the area which can be controlled from each. Three kinds of lookouts should be distinguished—route, special, and main. Route lookouts are those from which a view over considerable territory can be obtained without leaving regular lines of travel. Special lookouts are those not on regular routes of travel, but which afford such a good view that their occasional use warrants their improvement. Main lookouts are those from which an exceptionally large territory can be seen and where it might pay to keep a permanent lookout.

#### **Prevention.**

Since the best way to stop fires is to prevent them, a fire plan must include a careful study of prevention methods. The development of a strong public sentiment against fires is of first importance. This may be fostered by public meetings, by the distribution of pamphlets, by news items in local papers, by explanations of fire policy to Forest users and campers, and by instruction in the schools. The forest supervisor should issue detailed directions for the posting of fire warnings and other notices provided by the property clerk, and should adopt measures to prevent and detect incendiarism, and to insure the enforcement of State and Federal laws in regard to the use of fire by campers and ranchers and by those in charge of logging and railroad engines.

#### **Cooperation in Enforcing State Fire Laws.**

REG. P-1. All forest officers will cooperate with State officials, so far as practicable, to enforce State laws for the prevention and extinguishment of forest fires. When authorized to do so by the proper State officers, they will, without additional pay, act as fire wardens with full power to enforce the local laws.

#### **Fire Protection Cooperative Agreements.**

REG. P-2. The Forest Service shall, whenever possible, and is hereby authorized to, enter into such agreements with private owners of timber, with railroads, and with other industrial concerns operating in or near the National Forests as will result in mutual benefit in the prevention and suppression of forest fires; provided, that the service required of each party by such agreements shall be in proportion to the benefits conferred.

#### **Cooperation.**

Effort should be made to arrange definite cooperation with timber owners, or associations of timber owners, with States, with departments of the Federal Government, and with railroads and other industrial concerns that may either suffer from fire or constitute a source of fire danger. When the need of cooperation is evident the facts should be fully investigated and reported to the district forester, by whom the agreement will be prepared. All formal agreements must be forwarded to the Forester.

#### **Protective Stipulations.**

The use of Forest resources should be surrounded with all reasonable precautions against fire. All applications for timber, grazing, and special use should be scrutinized with this point in view; necessary stipulations against the setting of fires should be inserted in all contracts or permits.

No opportunity should be lost in getting the cooperation of permittees to assist the regular force in preventing, reporting, and suppressing fires. As far as payment for labor is concerned, the general policy to be followed in such cases is to pay permittees for services rendered in connection with fires which do not arise from their carelessness or from the use granted by the terms of



their permit or contract. When, however, fires will seriously affect or permanently prevent the enjoyment of the use granted the permittees, they may reasonably be expected to furnish a certain amount of assistance free of charge; and the supervisors will take this fact into consideration in deciding the extent to which the permittees should be paid for services rendered in fire fighting.

#### **Equipment.**

Every forest officer should know the amount and location of all fire-fighting equipment; implements, camp outfits at each station, tool houses and boxes on the Forest. To be sure of this there should be an annual inventory; if the inventory shows an insufficient supply of fire-fighting equipment, the deficiency should be made good at once.

#### **Transportation and Supplies.**

In addition to the inventory there should be lists of ranchers, liverymen, garages, and logging camps from which equipment and means of transportation can be obtained, and one of ranches and stores from which provisions, hay, and grain can be obtained promptly. Wherever possible definite estimates should be secured and tentative arrangements made before the fire season begins for such transportation and supplies as might be needed in case of fire. When such provision can not be made the purchase of pack trains, teams, and wagons or auto trucks should be considered. Permission for such purchases must be obtained from the district forester.

#### **Foremen.**

To be forehanded the whole country in the vicinity of the Forests should be canvassed for experienced men who are capable of handling fire-fighting crews. When such men are found, terms of employment should be agreed upon and definite instructions given for action in case of fire.

#### **Labor for Fighting Fire.**

Forest officers will secure the addresses and telephone numbers of ranches, logging camps, mills, and power plants, from which labor may be obtained, and the amount and character of such labor; also, if possible, terms of employment should be arranged for in advance.

#### **Location and Addresses of Forest Officers and Fire Wardens.**

There should also be a list of the names, location, post-office addresses, and telephone numbers of all officers on the Forest, and on adjoining Forests, the names of State and county fire wardens, of United States commissioners and road supervisors, and of officers of private fire associations.

#### **Slash Burning.**

It should be ascertained beforehand what ranchmen and loggers expect to burn slashings during the season, and, if possible, protective plans should be arranged.

#### **Fire Fighting.**

In fire fighting three kinds of fires may be distinguished: (1) Those which can be attacked directly—that is, smothered or beaten out; (2) those which can be attacked only by indirect methods, such as firebreaks, back-firing, and the use of water or chemicals; and (3) those whose size, swiftness, and intensity render an attack wholly impracticable. In the last instance the things to be done are to determine the probable course and development of the fire, and then to take advantage of any lull which is likely to follow when the fire meets less combustible material, topographic barriers, wind changes, or rain.

#### **Detailed Instructions.**

Detailed instructions will have to be prepared by supervisors for each type of forest. These instructions should take into consideration, besides the inflammability of the cover, the topography, atmospheric conditions, labor and its pay, tools and equipment, subsistence, transportation, and communication.

#### **Organization.**

If a Forest is not liable to heavy damage from fire, and there is but little difficulty and low cost in fire protection, the regular Forest force can be depended upon to prevent and discover fires. However, provision should be made

in advance for supplementing the regular force by outside labor, and for supplies and transportation in anticipation of possible fires beyond the control of the regular force. Forests which are liable to almost complete destruction, and in which fires are extremely difficult to extinguish, need more intensive handling. This generally means not only the preparation for extra help, but the actual employment of special patrolmen for limited areas, the aim being to prevent fires and to discover and extinguish them at their inception.

#### **Season of Low Hazard.**

On all but a few Forests the regular force can handle the fire situation, except during the summer months. Except in this summer season, therefore, precautions for fire prevention and control involves only measures to insure the availability of equipment, labor, and supplies required for fire fighting, should a fire occur.

#### **Season of High Hazard.**

In summer, when the situation can not be handled by the regular force, even with the cooperation of local residents and industries, additional assistance is necessary. Extra men will be supervised by the regular force, except possibly when they are specially experienced in fire work. The supervisor will determine the number and assignments of the extra force. The period of employment, and cost in wages and expenses, and other details will be given in the fire plan, and the routes or stations of the extra men will be shown on the accompanying map.

#### **Supervision and Direction.**

The district ranger will, if necessary, call on reconnaissance or improvement crews, and any officers engaged in field work in his district, to assist in emergencies in patrol work and in fire fighting.

#### **Assistants to District Ranger.**

Careful consideration should be given to the need of furnishing rangers, in charge of districts which have high liability and hazard, with men specially qualified in fire work.

#### **Patrolmen.**

As far as possible local residents should constitute a regular part of the patrol force. They may be employed as per diem guards or laborers; by this arrangement they will receive pay for services actually performed, or they may be employed as guards at salaries commensurate with the value of their services. When there is need, and where sufficiently effective patrol can not be obtained by such means, the employment of guards and laborers who will give all their time to patrol must be resorted to.

#### **Instructions as to Duties.**

When a patrolman or lookout man is placed on duty he should be furnished with complete information as to the district to which he is assigned, including a map showing the topography, routes of travel and communication, and other necessary data. He must be instructed in detail as to his duties. If the patrolman is not already familiar with the country, he should be assigned to duty sufficiently in advance of the danger season to enable him to become familiar with his district.

#### **Control.**

The district ranger will insure compliance with his instructions by personal inspection or by keeping in touch with the patrolmen by means of telephone. If, because of weather conditions, the fire danger becomes small, the district ranger will require the patrolman to engage on improvements and other work, which should be planned in advance.

#### **Action on Discovery of Fires.**

The first duty of the forest officer discovering a fire is to determine its location and extent, its possible spread, and the amount of work required to extinguish it. An officer should be sufficiently familiar with conditions to determine, even when he discovers a fire at a distance or when one is reported to him, what measures will probably be necessary to extinguish it. If there is a good chance that he can put out the fire alone, he should exert every effort to do so.



If, however, it seems probable that he will be unable to extinguish it by his individual efforts, he should, if possible, decide at once on the number of men needed, select a good camping site, and then get immediate help, reporting the facts to the proper officer.

#### **Fire Fighting.**

The collection of men and supplies, their transportation to the fire, the establishment of camp, the arrangements for the preparation and distribution of food and drinking water, the organization of the crews, the attack on the fire, the timekeeping and the payment of the men, and precautions to prevent injuries should follow specific instructions given in the fire plan.

#### **Reports.**

The officer in charge of a fire should submit promptly a report of the fire on Form 874-6. For severe fires a special detailed report and map should be made. In reporting fires the following classes should be distinguished: (a) Small fires which burn not more than one-fourth acre; (b) fires which burn over more than one-fourth acre but not more than 10 acres; (c) fires which burn over more than 10 acres. This last class should be subdivided further: (c-1) Fires that inflict damage amounting to less than \$100; (c-2) fires that do more than \$100 worth of damage but less than \$1,000; (c-3) fires that inflict damage to an amount greater than \$1,000.

The supervisor's annual fire report, upon which the district forester's report is based, is made on Form 926, which contains full instructions for its proper preparation.

## **PROTECTION AGAINST INSECTS.**

#### **Cooperation with the Bureau of Entomology.**

Entomological investigations on the National Forests to determine facts of scientific value will be conducted by the Bureau of Entomology independently or in cooperation with the Forest Service, as seems most desirable and practicable. The advice of the Bureau of Entomology will be obtained whenever practicable on scientific principles or methods incident to the control of insect infestations. This is of special importance in the case of infestations in timber types or by species of insects not involved in previous control projects and for which methods of attack have not previously been worked out and applied.

#### **Control Operations.**

The actual control of insect infestations will be conducted by forest officers with such assistance from representatives of the Bureau of Entomology as may be available. In order to make control measures increasingly effective by obtaining data on methods of control and the history of insect infestations, it is essential that control areas be constantly studied by forest officers in charge of control work. Similarly, past infestations should be carefully studied to determine their character and the factors which bear upon control.

#### **Rangers' Procedure.**

Unless insect attacks are met in their early stages, it becomes a difficult and costly task to attempt their elimination. Local forest officers should, therefore, keep close check on existing infestations and wherever practicable secure the removal of the infested trees by sale, free use, or administrative use.

When a ranger or other forest officer discovers the work of harmful insects which are a menace to the Forest and which can not be eliminated by the ranger by sale or free use or in connection with his protective duties, he will report fully by letter to the supervisor. He will also, if practicable, obtain several specimens of the insect and send them securely packed to the supervisor, together with a small section of the part of the tree infested. If the damage is caused by bark beetles, the section should be large enough to show the form of the galleries.

#### **Supervisors' Procedure.**

The supervisor will satisfy himself as to the extent of the attack by a personal field inspection, or by a report from some competent forest officer, and submit specimens of the insect and a report to the district forester.

#### **District Office Procedure.**

Upon the receipt of the supervisor's report the district forester will outline and submit to the supervisor a plan for the control of the infestation. If the infestation is of such an extent as to preclude its being handled by the local forest officers, arrangements should be made by the district forester for an examination of the infested area by the forest officer in charge of insect control or other competent forest officer and the preparation of a plan by him to control the infestation.

#### **Approval of Projects.**

With the exception of control measures conducted by local officers as a part of their protective duties whereby infested trees are removed and disposed of by sale, free use, administrative use, or otherwise, all insect-control projects will be carried out in accordance with a well-defined plan, which will show clearly the present status of the infestation, necessity for control work, and proposed methods and expenditures. It will in all cases be approved by the district forester, and in projects requiring fiscal approval by the Forester will be submitted to him for final action.

In carrying out the approved plan the officer in charge of the project will be given considerable latitude in adapting the work to the state of the infestation and the conditions on the project area. Important changes which involve additional expenditures of 25 per cent or more of the original allotment will, however, be submitted to the Forester for approval in the case of projects originally approved by him. Similar control over smaller projects will be exercised by the district forester.

#### **Cooperation with Private Owners.**

The Forest Service will, as far as practicable, cooperate with private owners in the control of insect infestations in stands of National Forest and private commercial timber within the same topographic unit. Where Forest and private timber are both infested the general basis for such cooperation will be to divide the expense of the control work between the Forest Service and the private owner in proportion to the acreage of each class of timber involved in the project. Where accessible stands of private commercial timber are endangered by infested National Forest timber the general basis for cooperation will be to divide the expense equally between the Forest Service and the parties concerned.

Requests from private owners for advice or assistance in the control of insect attacks and not involving cooperation on the part of the Forest Service will be referred to the Bureau of Entomology.

#### **Basis for Control.**

The determination of whether control measures requiring the expenditure of Forest Service funds shall be undertaken will depend upon the character of infestation, the cost of control, and the value of the timber protected.

#### **Reports from Districts.**

The district forester will submit to the Forester not later than December 1 of each year a report on the projects conducted during the past season, including data secured and conclusions reached from all past control projects and a summary of the conditions and needs of the district in control work; with a tentative outline of the projects contemplated during the next calendar year and estimated expenditures on each.

## **PROTECTION OF WATER SUPPLY.**

#### **Importance of Protection.**

Undoubtedly the greatest value of the mountain ranges of the West, most of which are within National Forests, lies in their influence upon the regularity of the water supply. In many of the States the mountains afford the only water supply for domestic use, for irrigation, and for the development of power. The future development of the entire region, therefore, will depend upon the amount of water and the manner in which it flows from the mountains.

Climatic conditions and geologic and physiographic formations are undoubtedly the principal factors which govern the precipitation and run-off, yet it has been proved that the vegetative covering has a very decided influence on run-off



and probably a slight influence on precipitation. For this reason Congress made the preservation of conditions favorable to stream flows one of the principal objects to be sought in the establishment and administration of the National Forests.

#### **Use of Forest Resources When Not Injurious to Protective Cover.**

The preservation of the vegetative cover or its restoration, where it has been destroyed, will undoubtedly insure the conditions most favorable to an equable stream flow. Experience has shown that the value of the protective cover can be preserved by judicious use of both the timber and forage on the watersheds. The policy of the Service is, therefore, not to deny the use of any resource of the National Forests, except when it can be conclusively proved that such use will be injurious to the public interests.

#### **Water Protection Plan.**

In order to follow a definite and consistent policy with respect to the restriction of the use of the Forest resources for the purpose of protecting the water supplies, complete information must be collected as to the sources, the amount and use of water arising in the National Forests, the present condition of the vegetative cover on the watersheds as to its influence on run-off, and the special measures necessary to maintain the protective value of the cover. This information will be presented in the form of a definite water protection plan. This will include an administrative map and a report.

#### **Map.**

The administrative map will show the watersheds that supply water for municipal and domestic use, for irrigation, and for the development of hydro-electric power. It will include the location of ditches, canals, flumes, dams, power plants, and other works; also the streams subject to disastrous floods and the settlements, mines, railroads, or other works in need of protection from snowslides.

#### **Report.**

The report will accompany the map of each important watershed and will cover the amount of water, the purpose for and extent to which it is used at the present time, the probable future use, the condition of the cover, and the special protective measures which are at present in force, with definite recommendations of measures which will be needed to meet future demands. Special protective measures include restriction of grazing, special uses, and settlement; possible modifications of lumbering, reforestation, and range improvement, the appointment of extra patrolmen, and the construction of works for the prevention of fires, floods, snowslides, and the contamination of the water. The losses of revenue due to restricted uses and to the cost of extra men and works should be calculated.

The district forester will forward a summary of the report to the Forester, together with his recommendations. The plan should be revised annually by the supervisor.

#### **Stipulations in Permits and Contracts.**

It shall be the duty of every forest officer before granting a permit for any use of the National Forests to consider its effect on the water supply, and when necessary to incorporate in the permit or contract stipulations which will afford protection from possible injury.

#### **Cooperative Agreements.**

REG. P-3. For the purpose of protecting water supplies of towns, cities, and irrigation districts, the use of National Forest lands will be restricted by the Secretary of Agriculture, with such conditions as to reservations from other uses of the land and to assistance to be given the Forest Service by the town or city in establishing special protective measures as may be deemed necessary or advisable. Such use will be granted under formal agreement between the Secretary of Agriculture and the properly authorized official of the town, city, or irrigation district.

Cooperative protection of watersheds and water supply is in some ways so closely related to use of Forest lands that the preparation of agreements will devolve upon the Branch of Lands. Procedure under Regulation P-3 will be found under Uses.

## PROTECTION OF THE PUBLIC HEALTH.

REG. P-4. The following acts are prohibited: Having or leaving in an exposed or insanitary condition on National Forest lands camp refuse or debris of any description, or depositing on National Forest lands or being or going thereon and depositing in the streams, lakes, or other waters within or bordering upon the National Forests any substance or substances which pollute or are liable to cause pollution of the said streams, lakes, or waters.

Every precaution must be taken by forest officers to protect the public health. All persons on National Forest lands are liable to trespass proceedings if insanitary conditions result from their presence.

The main danger to be guarded against is that of typhoid fever, resulting from toilet accommodations which drain to waters used for domestic purposes and from the exposure of refuse of all kinds to the flies.

In large or permanent camps latrines must be dug in suitable locations remote from the water, and disinfectants should be used freely. All camp refuse must be disposed of, either by burying or burning. In small temporary camps suitable precautions should be observed, and refuse of all kinds must be kept well away from the water. The carcasses of all dead animals when they are a menace to public health should be buried or burned. (See Reg. G-27.)

Forest officers will enforce compliance with Regulation P-4 on the part of all campers, stockmen, permittees, and other persons traveling through or occupying National Forest lands.

Forest Service camps and administrative sites of all kinds are expected to be models in this regard and will be subject to critical inspection, as to proper sanitary precautions, by all inspecting officers.

The supervisor should see that the notice warning the public of Regulation P-4 is posted at the entrances to the Forests, and at all camping grounds and at other suitable places.

When a forest officer discovers insanitary conditions he will first request the trespasser to comply with the regulation, and if the trespasser refuses will take the necessary action to remove the nuisance and then follow the usual procedure for trespass cases.



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# TRESPASS.

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# TRESPASS.

(Revised Oct., 1919.)

## Why Trespass is Investigated and Settled.

Trespass on the National Forests is investigated and settled as a protective measure as well as to secure compensation for the loss suffered by the United States. By bringing the trespasser to account, either by requiring compensation for the damage done or by the imposition of a penalty, or both, an example is given to those living in the community where the offense was committed and especially the offender himself, of what may be expected if, through inadvertence, lack of ordinary care, gross negligence, or willful purpose, they encroach upon, interfere with, damage, or destroy property of the United States, or violate any of the laws or regulations designed to protect such property. Diligence in the apprehension of trespassers by forest officers is the surest way to reduce trespass to a minimum. Therefore, no case should be dropped because of lack of evidence until every means of fixing responsibility has been exhausted.

## Authority in Trespass Cases.

The act of June 4, 1897 (30 Stat., 35), authorizes the Secretary of Agriculture to make rules and regulations for the occupancy, use, and protection of the National Forests and provides that any violation of such rules and regulations shall be punishable by a fine of not more than \$500, or imprisonment for not more than 12 months, or both. The Secretary, in the exercise of this authority, has promulgated regulations designed to protect the National Forests from trespass. In addition to the above law there are several statutes relating specifically to the protection of the National Forests. These are referred to under the class of trespass to which they relate. Offenders may, if desirable, be prosecuted under State laws.

# FIRE TRESPASS.

REG. T-1. The following acts are prohibited on lands of the United States within National Forests:

(A) Setting on fire or causing to be set on fire any timber, brush, or grass, except as authorized by a forest officer.

(B) Building a camp fire in leaves, rotten wood, or other places where it is likely to spread, or against large or hollow logs or stumps, where it is difficult to extinguish it completely.

(C) Building a camp fire in a dangerous place, or during windy weather, without confining it to holes or cleared spaces from which all vegetable matter has been removed.

(D) Leaving a camp fire without completely extinguishing it.

(E) Building a camp fire on those portions of any National Forest which have, with the approval of the district forester, been designated by the respective supervisors thereof without first obtaining a permit from a forest officer.

(F) Using steam engines or steam locomotives in operations on National Forest lands under any timber-sale contract or under any permit, unless they are equipped with such spark arresters as shall be approved by the forest supervisor, or unless oil is used exclusively for fuel.

(G) Disturbing, molesting, interfering with by intimidation, threats, assault, or otherwise, any person engaged in the protection and preservation of the Forests from destruction, including fire fighting, cutting and removing dead, insect-infested, or diseased timber, clearing the land of inflammable material of any kind, or doing, or making preparation to do, these or other acts necessary for the protection and preservation of a National Forest.

## Rewards.

REG. T-2. Hereafter, provided Congress shall make the necessary appropriation or authorize the payment thereof, the Department of Agriculture will pay the following rewards:

First. Not exceeding \$500 and not less than \$100 for information leading to the arrest and conviction of any person, in any United States court, on the charge of willfully and maliciously setting on fire, or causing to be set on fire, any timber, underbrush, or grass upon the lands of the United States within a National Forest.

Second. Not exceeding \$300 and not less than \$25 for information leading to the arrest and conviction of any person, in any United States court, on the charge of building a fire on lands of the United States within a National Forest, in or near any forest timber or other inflammable material, and leaving said fire before the same has been totally extinguished.

Third. All officers and employees of the Department of Agriculture are barred from receiving reward for information leading to the arrest and conviction of any person or persons committing either of the above offenses.

Fourth. The Department of Agriculture reserves the right to refuse payment of any claim for reward when, in its opinion, there has been collusion or improper methods have been used to secure the arrest and conviction thereunder, and to allow only one reward where several persons have been convicted of the same offense or where one person has been convicted of several offenses, unless the circumstances entitle the claimant to a reward on each such conviction.

These rewards will be paid to the person or persons giving the information leading to such arrests and convictions upon presentation to the Department of Agriculture of satisfactory documentary evidence thereof, subject to the necessary appropriation, as aforesaid, or otherwise, as may be provided by law.

Applications for reward, made in pursuance of this notice, should be forwarded to the Forester, Washington, D. C.; but a claim will not be entertained unless presented within three months from the date of conviction of an offender.

In order that all claimants for reward may have an opportunity to present their claims within the prescribed limit, the department will not take action for three months from date of conviction of an offender. The above is applicable to offenses committed since July 1, 1910.

### Setting Fire on Public Lands.

Section 52 of the criminal code (act of Mar. 4, 1909), provides a fine of not more than \$5,000, or not more than two years' imprisonment, or both fine and imprisonment, for willfully setting on fire or causing to be set on fire any timber, underbrush, or grass upon the public domain or for leaving or suffering a fire to burn unattended near any timber or other inflammable material. (The term "public domain" as used in this act means any land owned by the United States.)

### Failing to Extinguish Fires on Public Lands.

Section 53 of the same act provides a fine of not more than \$1,000, or not more than one year's imprisonment, or both fine and imprisonment, for failure to totally extinguish a fire built in or near any forest, timber, or other inflammable material upon the public domain before leaving it.

### State Law.

In certain cases criminal prosecution under the State laws may be advisable. Such prosecutions must, of course, be conducted in the State courts and by State authorities, with such assistance as may be rendered by the district assistant to the solicitor. Proceedings should be instituted in a State court only after review of the case by the district assistant to the solicitor, except in clear cases where speedy action is necessary, the case may be handled on the ground by the forest officer, in cooperation with the State officials.



#### **Action—Arrest.**

When a fire occurs, the most important consideration is, of course, to put it out. If the forest officer secures convincing evidence that the fire was incendiary, and there is reason to suppose the offender will escape, he should arrest or secure a warrant for the arrest of the offender, in accordance with instructions given under "Settlement of trespass cases."

#### **Investigation of Cause of Fire.**

As soon as possible after the fire is extinguished the ranger in charge should make a diligent examination for clues and such further inquiry into its cause as may be necessary. He should not content himself with conjecture, hearsay, or circumstantial evidence, but should secure affidavits from witnesses as soon as it appears probable that a fire trespass has occurred.

#### **Innocent Fire Trespass.**

In cases where a fire, accidentally started on privately owned lands, spreads over National Forest lands after all reasonable precautions or preventive measures have been taken; or where a fire accidentally is started upon or spreads over National Forest lands, the United States can not ordinarily recover any damages whatsoever.

However, this is not universally true, since in some States, by statute, individuals and companies, particularly railroad companies, are made liable in any event for the damage done. Therefore, all such cases should be fully reported as outlined on Form 856 in order that the assistant to the solicitor may determine the extent of the liability, if any.

#### **Willful Fire Trespass.**

All cases where fires are set maliciously, or allowed to spread through gross carelessness or neglect, or in violation of any Federal or State law, are willful, and evidence should be secured and report prepared with a view to criminal prosecution as well as the collection of damages.

#### **Report.**

The report, as outlined on Form 856, will be prepared as soon as possible after the investigation of the causes of fire is made and the required evidence and data can be collected. Fire trespass involves rather difficult considerations of damage to young growth, soil productivity, forage, etc. The detail of forest officers for the determination of these damages should be made with this in mind. The value of material damaged or destroyed, particularly of young growth, should be determined in accordance with the "Standard Instructions for the Determination of Fire Damages," issued by the Forester. Instructions as to salvage of timber are also given in this circular. The complete report is submitted to the supervisor. Information as to preparation of reports is given under this heading in the chapter "Procedure and Preparation of Reports."

#### **Procedure.**

After receipt of report from the supervisor the District Forester will act in accordance with the procedure outlined under "Settlement of trespass cases." If a fire burns over portions of two or more National Forests, action will be taken by the district forester after the reports and recommendations from all the supervisors concerned are received. In the district office fire-trespass cases will be handled by the office of operation with any necessary advice from the offices of silviculture and grazing, respectively, as to the valuation of timber, young growth, or forage, damaged or destroyed. In Washington they will be handled by the Branch of Operation with any necessary advice and information from the Branches of Silviculture and Grazing.

#### **Camp Fire Permits.**

All or any portion of a National Forest may be designated as an area on which the building of camp fires is not allowed without first obtaining a permit from a forest officer. Areas will be so designated by the forest supervisor only after approval by the district forester. Due notice must be given the public as to the permit requirement and where it may be obtained.

## PROPERTY TRESPASS.

REG. T-3. The following acts are prohibited on lands of the United States within a National Forest:

(A) The willful tearing down or defacing of any notice of the Forest Service.

(B) The going or being upon such lands with intent to destroy, molest, disturb, or injure property used, or acquired for use, by the United States in the administration of the National Forests.

(C) Destroying, molesting, disturbing, or injuring property used, or acquired for use, by the United States in the administration of the National Forests.

(D) Mutilating, defacing, or destroying objects of natural beauty or of scenic value on such lands.

<sup>a</sup> (E) Damaging and leaving in a damaged condition roads or trails which are under the jurisdiction of the Forest Service.

### Rewards.

REG. T-4. Hereafter, unless otherwise ordered, provided Congress shall make the necessary appropriation, or authorize the payment thereof, the Department of Agriculture will pay not exceeding \$100 and not less than \$25 for information leading to the arrest and conviction, in any United States court, of any person charged with destroying or stealing any property of the United States within the custody of the Forester, Forest Service, United States Department of Agriculture.

This reward will be paid to the person or persons giving the information leading to such arrest and conviction upon presentation to the Department of Agriculture of satisfactory evidence thereof, subject to the necessary appropriation as aforesaid, or otherwise as may be provided.

Officers and employees in the Department of Agriculture are barred from receiving such rewards.

The Department of Agriculture reserves the right to refuse payment of any claim for reward when, in its opinion, there has been collusion or improper methods used to secure arrest and conviction, and to allow only one reward where several persons have been convicted of the same offense or where one person has been convicted of several offenses, unless the circumstances have entitled the person to a reward on each conviction.

Applications for reward, made in pursuance of the above notice, should be forwarded to the Forester, Washington, D. C.; but no claim will be considered unless presented within three months from the date of conviction of an offender. In order that all claimants for rewards may have opportunity to present their claim within the prescribed limit, the department will not take action with respect to rewards for three months from the date of the conviction of an offender.

### What Constitutes Property Trespass.

The unauthorized appropriation of property of the United States used in the administration of the National Forests also constitutes a felony (secs. 46, 47, act of Mar. 4, 1909), punishable by a fine of not more than \$5,000 or imprisonment for not more than 10 years, or both. Interference with the personal property of forest officers is not trespass against the United States, and redress can only be obtained in the local courts between the offender and the officer in his capacity as a private citizen.

### Damage to or Destruction of Telephone Lines.

Section 60 of the act of March 4, 1909, makes the following provision relative to the injury or destruction of Government telephone lines:

"Whoever shall willfully or maliciously injure or destroy any of the works, property, or material of any telegraph, telephone, or cable line or system, operated or controlled by the United States, whether constructed or in process of construction, or shall willfully or maliciously interfere in any way with the working or use of any such line or system, or shall willfully or maliciously obstruct, hinder, or delay the transmission of any communication over any such line or system, shall be fined not more than \$1,000 or imprisoned not more than three years, or both."

<sup>a</sup> Paragraph added; effective Oct. 1, 1920.



#### **Action—Recovery of Forest Service Property.**

Forest officers, as agents of the Government, may, without further instructions, seize Forest Service property wrongfully taken wherever it may be found, but should be extremely careful that the identification of the property is complete. Seizure may be made only when it can be done peaceably and when necessary to prevent Government property from being sold, damaged, destroyed, or removed beyond recovery.

#### **Investigation.**

Property trespass, when taken up, will usually result in litigation. Therefore forest officers investigating a trespass of this character must make every effort to gather and submit with their report sufficient convincing legal evidence to insure a conviction.

#### **Report.**

Forest officers will prepare a full report in accordance with the outline given on Form S56 and forward it to the supervisor. The report will state specifically the kind and value of the property stolen, damaged, or destroyed; the circumstances of the trespass; and the action, if any, taken for the recovery or protection of the property of the Government wrongfully taken or destroyed.

#### **Procedure.**

If the supervisor considers that there is sufficient evidence to warrant legal action, he will transmit the report with his own comments and recommendation to the district forester. In the district office property trespass will be handled by the office of operation. The subsequent procedure will be as prescribed under "Settlement of trespass cases." In the district forester's or Forester's office property trespass will be handled by the office or Branch of Operation.

### **TIMBER TRESPASS.**

**REG. T-5.** The following acts are prohibited on lands of the United States within National Forests:

(A) The cutting, killing, destroying, girdling, chipping, chopping, boxing, injuring, or otherwise damaging, or the removal, of any timber or young tree growth, except as authorized by law or regulation of the Secretary of Agriculture.

(B) The damaging or cutting, under any contract of sale or permit, of any living tree before it is marked or otherwise designated for cutting by a forest officer.

(C) The removal from the place designated for scaling, measuring, or counting of any timber cut under contract of sale or permit until scaled, measured, or counted, and stamped by a forest officer.

(D) The stamping, except by a forest officer, of any timber belonging to the United States, either with the regulation marking tools or with any instrument having a similar design: Provided, That timber lawfully cut from public land which is subsequently included within a National Forest may be removed within a reasonable time after the inclusion of such land in a Forest: Provided further, That the term "timber" as used in this regulation shall be deemed and taken to mean trees of a character or sort that may be used in any kind of manufacture or the construction of any article or for fuel.

#### **Timber Depredations on Public Lands.**

By section 49 of the criminal code (act of Mar. 4, 1909), the cutting of, or causing or procuring to be cut, or the wanton destruction of, or causing to be wantonly destroyed, any timber growing on the public lands of the United States, or the removal, or causing the removal, of any timber from such lands is a criminal offense punishable by a fine of not more than \$1,000 or imprisonment for not more than one year, or by both fine and imprisonment. It is further provided, however, that:

"Nothing in this section shall prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or in the preparation of his farm for tillage, or from taking timber necessary to support his improve-

ments, or the taking of timber for the use of the United States. And nothing in this section shall interfere with or take away any right or privilege under any existing law of the United States to cut or remove timber from any public lands."

#### **Timber Depredations on National Forest Lands.**

Section 50 of the criminal code (act of Mar. 4, 1909), as amended by section 6 of the act of June 25, 1910 (36 Stat., 857), makes it a criminal offense punishable by a fine of not more than \$500 or imprisonment for not more than one year, or by both fine and imprisonment, to unlawfully cut, or aid in unlawful cutting, or to wantonly injure or destroy, or procure to be wantonly injured or destroyed, any tree growing, standing, or being upon any land of the United States which has been reserved or purchased for any public use.

#### **Boxing, etc., Timber for Turpentine, etc.**

By section 51 of the criminal code (act of Mar. 4, 1909), the cutting, chipping, chopping, or boxing of any tree upon National Forest and other Government land, or upon any land covered by or embraced in any unperfected settlement, application, filing, entry, selection, or location made under any law of the United States for the purpose of obtaining from such tree any pitch, turpentine, or other substance, or knowingly encouraging, causing, procuring, or aiding in such cutting, chipping, chopping, or boxing, or buying, trading for, or in any manner acquiring the product so obtained with knowledge that it was unlawfully obtained is a criminal offense punishable by a fine of not more than \$500, or imprisonment for not more than one year, or by both fine and imprisonment.

#### **Action to Stop Trespass.**

When a forest officer discovers what he believes to be a trespass he should immediately ascertain the exact location and status of the land involved, making sure that it is within the boundary of the Forest and upon land under the jurisdiction of the Forest Service. To do so it may be necessary to locate the nearest Government corner, run a survey, and obtain the status of the land from some authentic source. If satisfied that a trespass is being committed, he will promptly serve written notice upon the trespasser, in the presence of witnesses if possible, to discontinue the trespass, and record in his notebook the place, with names and addresses of those present, and the day and hour of the notification.

#### **Threatened Trespass.**

When a forest officer discovers that National Forest timber is threatened with trespass, and no warning will serve to restrain the trespasser, an injunction may be necessary to protect National Forest interests. The procedure to obtain an injunction is outlined under "Settlement of trespass cases."

#### **Investigation of Timber Trespass.**

Timber trespass on National Forests will be handled exclusively by the Department of Agriculture, except such trespasses as have hitherto been reported upon or are now being investigated or prosecuted by the Department of the Interior, and upon request from officials of that department forest officers shall render all possible assistance in such investigation or prosecution.

#### **Timber Cutting on Unperfected Claims.**

The cutting of timber upon an unperfected claim beyond the extent necessary for its actual development, or for uses not consistent with the purpose for which the claim was initiated, or the cutting of timber from one mining claim for use upon another where such use does not tend directly to develop the claim from which the timber is cut will be reported as timber trespass in accordance with the procedure prescribed under "Settlement of trespass cases." Report should be made at the same time upon the claim, using the outline on Form 654 or 655, and the status of the claim as indicated by the report will determine the action which will be taken to prevent, settle, or prosecute the trespass.

#### **Seizure Defined.**

Seizure, or recaption, is the right of a person to retake his property in a peaceable manner wherever he finds it. Since the United States has the same common-law rights and remedies as an individual it may, through its agents, exercise the same right of seizure or recaption as an individual.



#### **Seizure, Authority of Forest Officers to Make.**

Forest officers as agents of the Government may, when necessary to prevent loss, without further instructions seize timber cut in trespass wherever found when it can be done peaceably, even though it may be upon patented land at the time. However, the right of seizure should be exercised with extreme care, since mistaken zeal in this regard may lead to serious complications or subject the Forest Service to the charge of arbitrary action. In determining the advisability of exercising the right of seizure, forest officers should bear in mind that if the Government seizes the material cut in trespass, it can not later in a civil action recover the value of such material from the trespasser.

If the case has proceeded to suit and is in the hands of the Department of Justice, seizure will be made only under instructions from the United States attorney handling the case. Any developments in such a case which render immediate seizure necessary to prevent loss to the Government should be reported by wire to the district office.

#### **Seizure of Manufactured Products.**

Timber cut in trespass may be seized, although manufactured into lumber and in the hands of an innocent purchaser and upon patented land. It is within the right of the United States to seize buildings or other improvements, either on Government or patented land, when such improvements are constructed wholly or in part from timber cut in trespass; but this drastic action will be taken only as a last resort to save the United States from loss, and then only on definite instruction from the district forester.

#### **Seizure of Mixed Timber.**

Where a trespasser wrongfully mingles Government timber or lumber with his own, either the whole mass may be seized and held until the amount lawfully owned by the claimant is proved by him, or if the amount taken from the Government land is known, an equal amount of the commingled mass may be seized.

#### **Seizure—Posting Trespass Material.**

The forest officer making a seizure will post notices of seizure on the material seized in sufficient numbers to identify unmistakably all material covered by the seizure. The trespasser and any witnesses to the act should be notified of its significance and warned against the removal of the property under seizure. If there is danger of the theft of the material, pieces may be marked in other ways for the purpose of identification, in addition to the notices of seizure.

Seized material will not be stamped "U. S." until the case is settled in favor of the Government and the material is to be released. When the material is stamped the notices of seizure will be removed.

#### **Measure of Damages.**

The willfulness or innocence of a trespass determines whether the value of the material in the condition where found or the difference between the value of the trespass area immediately before and after the trespass occurred, will be the basis for assessing the damages due the United States. Forest officers must be extremely careful, therefore, to secure all evidence bearing on this point, and their reports must clearly show into which class the trespass falls. If, for instance, no settlement is made in a trespass case, and it becomes necessary to institute suit to obtain damages, evidence of reliable witnesses will be needed to prove whether the trespass was innocent or willful, and such evidence, in affidavit or other form, should accompany the report. In every case, whether considered by the forest officer innocent or willful, the safer course is to secure and report the values both on the basis of innocent and willful trespass.

#### **Innocent and Willful Trespass.**

If, at the time the cutting was done, the trespasser, after the exercise of due diligence to ascertain from official sources the ownership of the land or his rights therein, was unaware that he was not lawfully entitled to the timber, the act will be considered an innocent trespass. If cutting occurs beyond the boundaries of patented land through bona fide mistake, or tres-

pass has been committed on account of any other bona fide error of fact or in innocence of the rights of the United States, the trespass will be considered an innocent one. Where these conditions do not exist, the trespass will be considered willful. While the men who do the actual cutting may legally be held for the trespass, ordinarily it is advisable, particularly in civil cases, to proceed against the corporation, company, or individual by whose direction and for whose benefit the cutting was done. In civil cases the employer is liable for the willfulness of the employee, if he knew of the trespass and took no means to stop it, or, if after the trespass was committed, he knowingly approved it or adopted it by receiving the fruit of the trespass, or whenever he employed persons to do the cutting knowing them to be careless, reckless, and unreliable.

#### **In Innocent Cases.**

When the trespass is innocent, the measure of damages will be the difference between the value of the trespass area immediately before and after the trespass occurred, which damage is ordinarily represented by the stumpage value of the timber cut. Any damage sustained by the United States in addition to the actual loss of stumpage should also be included as an item of damage.

#### **Innocent Purchasers.**

Where the purchaser of timber cut in innocent trespass is held for damages the measure will be the same as in innocent cases. If the timber is purchased from a willful trespasser, without knowledge of the trespass, the value will be determined as of the time of such purchase.

#### **In Willful Cases.**

When the trespass is willful, the measure of damage will be the value of the timber in its condition when and where found. If, when a willful trespass is discovered, the trees are felled, the assessed damage will be the stumpage plus the cost of felling; if they are cut into logs, the cost of bucking will be added, and if found at the mill the cost of both bucking and hauling will be added. The current value of the lumber will be the basis for assessing damages if the logs have passed through the mill.

#### **Willful Purchasers.**

Where the purchaser of timber cut in trespass is held for damages, the measure will be the value of the material at the time and place it is found if it was purchased from a willful trespasser with full knowledge that the timber was cut in trespass.

#### **Innocent Turpentine Trespass.**

When turpentine is unintentionally extracted from National Forest timber the trespasser will be required to settle on a cup basis at the established commercial rate existing on the Forest concerned at the time the trespass was committed. In addition to settlement for the cups placed, the trespasser will be required to pay for all damage resulting to the timber from the trespass operations.

Unless the trespasser signifies his intention to settle voluntarily, the report will include a statement showing the amount of crude turpentine extracted and its value in the woods immediately after extraction. If voluntary settlement on a cup basis can not be secured the case will be referred to the Department of Justice for the institution of civil proceedings for the recovery of the value of the crude turpentine immediately after extraction.

#### **Willful Turpentine Trespass.**

When a turpentine trespass is intentionally committed on National Forest land the measure of damages will be the value of the product extracted in its condition when and where found, plus any damage resulting to the timber from the operations of the trespasser.

#### **Waste and Damage to Forest.**

If, in addition to the cutting and removal of Government timber, the trespasser, by careless felling or logging, has done avoidable damage to young growth or timber left standing, an estimate of the money value of this loss should be made and included in the assessed damages. Merchantable timber wasted in high stumps or long tops, or left in the woods, should be included in the scale.



#### **Stump Scales.**

In making a stump scale the total log length taken from each tree should be measured. In most cases where the trespass is not over 2 years old the indentation in the ground can be seen where the butt struck when the tree fell. From that point, which is often several feet from the stump, to the top, the direction of which can be determined by the undercut on the stump, the total log length can be measured. This should be divided into logs according to the taper table given under "Instructions to scalers," in the Manual on Scaling National Forest timber, and the top diameter of each log ascertained from the same table. The scale for each log may then be obtained from the Decimal C scale stick or the scale table in the Manual. The merchantable portion left in the top and in high stumps should be scaled and noted separately. After scaling each tree, the top of the stump and the butt of the top should be stamped "U. S."

#### **Use of Volume Tables.**

In cases where the tops can not be identified or have been moved or destroyed, the scale may be obtained from a volume table (if one is available for the locality and species) by reducing the diameter at the top of the stump to diameter breast high.

#### **Record of Method Used.**

Forest officers should use extreme care in scaling trespass timber, especially in a stump scale, and should keep complete notes on the method used, since if the case is brought into court the scale must be introduced as legal evidence.

#### **Report.**

The report, as outlined on Form S56, will be submitted to the supervisor. While many cases will be settled as first-offense trespasses, it is essential that they be carefully prepared so as to clearly establish the fact of trespass. If the trespass is committed under color of a claim, report should be made at the same time upon the claim, using the outline on Form 654 or 655.

The report should always include an estimate of the expense it will be necessary for the Government to incur in disposing of the slash on the cutting area if it is not properly disposed of by the trespasser. Whenever the institution of suit is necessary, and the trespasser has not properly disposed of the slash, the estimated cost of placing the cutting area in a satisfactory condition should be included as an item of damage.

#### **Disposal of Slash before Closure.**

After settlement the case will be closed when the area cut over is in a satisfactory condition. Forest officers should watch this carefully and should insist on a proper disposal of slash from the cutting area. The trespasser should understand clearly what will be required of him in this respect, and upon completing the work, the forest officer should inspect the area, and when sure that all stipulations of settlement have been fulfilled, report to the supervisor. When the supervisor receives the report that the area is in satisfactory condition he will close the case if it is within his jurisdiction. Otherwise, he will forward the report with appropriate recommendations to the district forester. When the case is closed the supervisor will notify the trespasser of the closure of the case.

#### **Procedure.**

After receipt of report by the supervisor the procedure will be in accordance with the instructions under "Settlement of trespass cases." In the district forester's or Foresters' office timber trespass cases will be handled by the office or Branch of Silviculture.

## GRAZING TRESPASS.

**REG. T-6.** The following acts are prohibited on lands of the United States within National Forests:

(A) The grazing upon or driving across any National Forest of any live stock without permit, except such stock as are specifically exempted from permit by the regulations of the Secretary of Agriculture, or the grazing upon or driving across any National Forest of any live stock in violation of the terms of a permit.

(B) The grazing of stock upon National Forest land within an area closed to the grazing of that class of stock.

(C) The grazing of stock by a permittee upon an area withdrawn from use for grazing purposes to protect it from damage by reason of the improper handling of the stock, after the receipt of notice from an authorized forest officer of such withdrawal and of the amendment of the grazing permit.

(D) Allowing stock not exempt from permit to drift and graze on a National Forest without permit.

(E) Violation of any of the terms of a grazing or crossing permit.

(F) Refusal to remove stock upon instructions from an authorized forest officer when an injury is being done the National Forest by reason of improper handling of the stock.

**Authority in Grazing Trespass Cases.**

There are no laws relating exclusively to grazing trespass. The act of June 4, 1897 (30 Stat., 35), is the legal basis for the criminal prosecution of grazing trespass.

**Action—Removal of Stock.**

A distinction is made between permitted stock and unpermitted stock.

Permitted stock may be removed from any portion of the Forest not allotted to it, but the permit can not be canceled or the stock removed from the area allotted to it without authority from the district forester.

Forest officers may drive unpermitted stock from any portion of the Forest upon discovery of its presence, or they may allow the owner or herder a reasonable time to remove it; but if he refuses to do so the person in charge of the stock may be arrested and the stock removed from the Forest by the forest officers. (See "Criminal cases.")

The owner of trespassing stock should be ordered to remove it at once, or, if the situation is urgent, the forest officer may remove the stock in any way that does not injure it physically.

**Investigation.**

The circumstances of the trespass must be promptly investigated as the basis of the report, the damages estimated, the area mapped, available witnesses interviewed and affidavits secured, if possible.

**Measure of Damages.**

The willfulness or innocence of a trespass determines the basis of settlement.

If the trespass is an innocent one the measure of damages is the commercial value, or replacement value, of the forage, or other property consumed, destroyed, or injured.

If the trespass was committed maliciously, wantonly, or with a reckless disregard of the rights of the Government the trespasser may be required to pay a reasonable amount of exemplary or punitive damages, in addition to the actual damage sustained.

If, in the opinion of the forest officer, the collection of punitive damages is necessary to prevent future trespass, he should so recommend, specifying such amount as he thinks reasonable.

**Segregation of Civil and Criminal Cases.**

In cases where there is no evidence of willfulness on the part of the owner, or other principal, in connection with the trespass, but there is evidence that the trespass was committed willfully or knowingly by the herder or other employee in charge of the stock, the trespass should be segregated into two cases; the owner or principal may be held liable for the actual damage, and the herder or other employee may be prosecuted criminally.



#### **Condonation of Trespass by Issuance of Permit.**

Forest supervisors must not in any case which is to be handled as a grazing trespass, issue a grazing permit authorizing the grazing of the trespassing stock during any part of the period in which the stock were in trespass. The issuance of a permit of this character acts as a condonation of the trespass by the Forest Service, which renders it impossible to sustain civil suit for the collection of damages or criminal action for violation of the regulations.

If the owner of the trespassing stock is entitled to share in the use of the range, a permit may be issued to him for the remainder of the season; but the beginning of the permit period must not antedate the date upon which the application for permit was approved. The approval of the application by the supervisor will be considered as the termination of the trespass, and the inclusive dates during which the stock are reported in trespass should be from the date the trespass began until the date of the approval of the grazing application. If, however, the trespasser fails to complete his application by the payment of the proper fees, then the trespass period will be from the date the stock entered the Forest in trespass to the date the stock were removed from the Forest. In all cases the fee charged for the remainder of the season should be in accordance with the provisions of Regulation G-9.

#### **Report.**

After the removal of the stock the forest officer discovering the trespass will prepare a report in accordance with the outline on Form 856 and forward it to the supervisor.

#### **Procedure.**

In the district office grazing trespass cases will be handled by the office of grazing and the Office of the Solicitor. In Washington they will be handled by the Branch of Grazing, the Office of the Solicitor, and the Office of the Secretary of Agriculture.

The procedure is presented under "Settlement of trespass cases."

## **HUNTING AND FISHING TRESPASS.**

**REG. T-7.** The following acts are prohibited on lands of the United States within National Forests:

The going or being upon any such land, or in or on the waters thereof, with intent to hunt, catch, trap, willfully disturb or kill any kind of game animal, game or nongame bird, or fish, or to take the eggs of any such bird, in violation of the laws of the State in which such land or waters are situated.

#### **Statutes.**

Prosecutions for game trespass are usually based on the violation of a State game law, or, more rarely, Regulation T-7. However, prosecution may be based on violations of any of the following Federal statutes: Act of January 24, 1905 (33 Stat., 614), establishing the Wichita Refuge; act of June 29, 1906 (34 Stat., 607), establishing the Grand Canyon Refuge; act of August 11, 1916 (39 Stat., 476), providing for the protection of game on Purchased Areas; the Migratory Bird Treaty Act of July 3, 1918 (40 Stat., 755), and all regulations thereunder. The criminal code, sec. 84, provides for the protection of bird refuges. The act of February 6, 1905 (33 Stat., 700), gives forest officers certain powers of arrest. It is doubtful whether this authority extends to violations of the specific statutes above mentioned. Hence before making an arrest it would be advisable for the forest officer to procure a warrant therefor.

#### **What Constitutes Trespass.**

Regulation T-7 prescribes an offense for the entering upon, or being upon, or using National Forest lands for purposes which would be in violation of Federal statutes or of the State fish and game laws. The act of pursuing or taking or killing fish or game need not actually be committed to constitute a violation of the regulation, although an act would be prima facie proof of the intention

of the person or persons apprehended. This regulation gives opportunity to supplement the State procedure in preventing violations of the game laws, by bringing such offenses within the jurisdiction of Federal as well as State courts.

#### **Authority of Forest Officers.**

The source of authority of forest officers is important in circumscribing their authority as to arrests, seizures, investigations, and procedure.

The majority of offenses committed are violations of State fish and game laws and the authority of forest officers to act is derived from—(a) their commissions as game wardens, or (b) under the regulation. In the former case their jurisdiction is prescribed by the terms of their commission. In the latter case forest officers have authority only on National Forest lands. While acting under authority of the act of February 6, 1905, their jurisdiction is limited to forest reserves (now National Forests) and National Parks.

#### **Arrest.**

Before making arrests forest officers must be certain of their authority either under Federal statute, regulation, or State law, and that they are personally legally authorized to make arrests either as assistant or deputy game wardens, or as officially qualified forest officers. They must also be certain as to the law or regulation violated. Persons arrested must be taken before the nearest United States commissioner in whose jurisdiction the offense was committed, in the event the prosecution is to be in the Federal courts, or to the properly designated State officer, usually justice of the peace, in the event the case will be tried in the State courts. Forest officers will be duly instructed by forest supervisors as to the State laws, which vary in different States.

#### **Seizure.**

In many cases it is necessary to seize as evidence guns, tackle, traps, or other devices, and fish, game, or other animals, or pelts or trophies unlawfully taken. In some States special legislation or instructions of the State game warden provide for disposition or confiscation of seized material. Where there is no such provision district foresters will prescribe, on advice of the assistant to the solicitor, the disposition to be made of the material seized. Forest officers must not profit in any way by seizures or confiscations. No seizure of private property should be made in any instance unless such property is directly connected with the offense for which the arrest is made and is required as an exhibit in the proposed prosecution.

#### **Investigation.**

After the appropriate action has been taken at the time of discovery of trespass, witnesses, if any, should be interviewed and statements or affidavits secured, if possible. The form of investigation will be governed by the circumstances of the case. In some instances it may be necessary or advisable to cooperate with or to turn the case over to the county or State game officials.

#### **Report.**

The officer discovering the offense should communicate all the facts to the supervisor as soon as possible. He should prepare a full report in accordance with the outline given on Form 856, and, unless otherwise directed, submit it to the supervisor.

#### **Procedure.**

Action in a given case should be brought in the court which can be most readily reached and in which most prompt and effective action can be secured.

In prosecutions under the State laws, State procedure will be followed. If the trespasser is to be prosecuted in the Federal courts, the case will be handled in accordance with the instructions under "Settlement of trespass."

In the district office hunting and fishing trespass cases will be handled by the office of grazing and the office of the assistant to the solicitor. In Washington they will be handled by the Branch of Grazing, the Office of the Solicitor, and the Office of the Secretary of Agriculture.



## OCCUPANCY TRESPASS.

REG. T-8. The following acts are prohibited on lands of the United States within National Forests:

(A) Squatting or making settlement thereon, except in accordance with the act of June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves."

(B) Constructing or maintaining any kind of works, structure, fence, or inclosure; conducting any kind of business enterprise or carrying on any kind of work without a permit, except as otherwise allowed by law or regulation, and except upon a claim for the actual use, improvement, and development of the claim consistent with the purposes for which it was initiated.

<sup>a</sup>(C) The placing by any person, association, or corporation, without written permission from a forest officer, of stock within an inclosure designated by the Forest Service as a pasture for tourists' stock, and allowing such stock to remain in the inclosure for more than forty-eight hours in succession, or more than twice during any calendar year.

### What Constitutes Occupancy Trespass.

The use of the National Forest land without permit for any purpose for which special-use permits are required constitutes occupancy trespass. Traveling, temporary camping, lawful hunting, surveying, or prospecting may be carried on without permit, and camp wood and forage for stock used in connection with such projects may be taken free of charge.

Since the United States has all the civil rights and remedies for trespass possessed by private individuals, it may bring action to recover damages resulting from trespass or breach of contract.

### Action to Stop Trespass.

If the trespasser is engaged in constructing any building or other structure on National Forest land, he should be notified by a written order served, if possible, in the presence of witnesses to suspend work. In aggravated cases it is within the authority of a forest officer to seize improvements constructed on National Forest land, but unless damage actually threatens the National Forest this action will not be resorted to. The forest officer should make every effort to secure satisfactory adjustment amicably. He should, if possible, interview the trespasser and induce him to discontinue the trespass or remove his improvements, allowing him a reasonable time within which to do so.

### Investigation.

The investigation should show the facts and circumstances of the trespass, and whether it was committed innocently or intentionally or in defiance of warnings against trespass.

### Report.

The forest officer discovering the trespass will, after assuring himself of the status of the land, prepare a full report in accordance with the outline given on Form 856 and forward it to the supervisor.

If the trespass is committed under the color of a claim, report upon the claim should be made at the same time in accordance with the outline on Form 654 or 655.

### Procedure.

After receipt of the forest officer's report by the supervisor the procedure will be as prescribed under "Settlement of trespass cases."

In the district forester's or Forester's office occupancy trespasses will be handled by the office or Branch of Lands.

### Closure by Issuance of Special-Use Permit.

Innocent trespasses may in most cases be closed by the issuance of a special-use permit covering the occupancy.

<sup>a</sup> Paragraph added; effective Apr. 1, 1921. (15-T)  
April 1, 1921.

# PROCEDURE AND PREPARATION OF REPORTS.

## Foreword.

The instructions under this heading are, generally speaking, common to all kinds of trespass and are placed here to avoid repetition. Occasionally, however, instructions that are applicable only to a particular kind of trespass have been restated briefly hereunder either by way of illustration or for the purpose of clarity. It is therefore important that the forest officers handling the case also consult the more detailed instructions under the heading of the kind of trespass involved. Reference is likewise made in general terms to settlement procedure, which also can be fully understood only by carefully reading the appropriate detailed instructions under the heading "Settlement of trespass cases."

Forest officers should bear in mind also the difficulty of formulating rules which may not, in some instances, be subject to qualification or amplification.

## How Trespass is Settled.

In general, trespass is settled in one of the three following ways:

1. Innocent or unintentional trespass is settled in accordance with the instructions under "Civil cases" by requiring the trespasser merely to compensate the United States for actual damages, or, if the facts warrant, timber trespass involving not more than \$100 may be adjusted in accordance with the instructions under "First offense timber trespasses."

2. Willful or intentional trespass, when it is inadvisable, for adequate reasons, to attempt criminal prosecution, is settled in accordance with the instructions under "Civil cases," by requiring payment of actual damages, or of actual plus punitive damages, depending upon the attendant circumstances.

3. Willful or intentional trespass is settled, when it is advisable, in accordance with the instructions under "Criminal cases" by criminally prosecuting the offender and, in addition, where such action is desirable, by requiring him to pay actual civil damages.

Under the first method settlement may be effected without resorting to legal proceedings if the trespasser will, when requested, pay the estimated damages. Unless voluntary settlement is made within a reasonable time after demand, legal action against the trespasser will be initiated.

The second method is followed in those cases in which the trespasser may properly be charged with intentional trespass but in which the assessment of punitive damages in addition to the actual damages sustained, or in some instances of actual damages alone, will sufficiently penalize the trespasser for the offense committed. If responsibility is fairly established, the trespasser will ordinarily be glad to make voluntary settlement on this basis in order to avoid criminal prosecution. Punitive damages plus actual damages are imposed mostly, but not exclusively, in intentional grazing trespass where criminal prosecution is not needed to secure the desired result. In fire trespass where the trespasser is not enriched by his act, the payment of actual damages will often constitute an adequate penalty, thus making it unnecessary to levy punitive damages also; but when actual damages alone are inadequate and the trespasser is not to be criminally prosecuted, punitive damages may properly be demanded. If, however, a fire trespass is committed maliciously or through gross carelessness, an adequate penalty may ordinarily be obtained only by resorting to both civil and criminal action. When both forms of action are contemplated punitive damages should not be requested, since a penalty will be imposed by the court if a conviction is secured in the criminal prosecution. The courts have established a measure of damages for timber trespass intentionally committed, and it is not, therefore, necessary to add punitive damages, as in grazing trespass. Punitive damages should never be imposed where there has been no conscious wrongdoing by the trespasser or where he has been guilty merely of an honest mistake.



Obviously, the third method is followed only in willful or intentional trespasses where criminal conviction is advisable, and there is reasonable ground for believing it can be obtained. It is absolutely essential before recommending criminal prosecution that the investigating officer secure convincing proof of the trespasser's guilt. If the trespasser is to be prosecuted for violating the Secretary's regulations or a Federal law the case should be referred, through the usual channels, to the Secretary for transmission to the Attorney General. On the other hand, in prosecutions for violation of a State law the case will, upon receipt by the district forester, be referred by him, after review by the district assistant to the solicitor, to the proper State officer for appropriate action. Where, however, speedy action is required, and the evidence is clear, the case may be handled on the ground by the forest officer in cooperation with the State officials. If criminal prosecution does not afford an adequate penalty for the offense committed action may also be taken in accordance with the instructions under "Civil cases" to recover actual damages.

#### **Reports.**

Any forest officer discovering a trespass will, with the least possible delay but after a thorough investigation of the attendant circumstances, prepare a concise report, covering adequately all pertinent points, in accordance with the outline given in Form 856 and with any special instructions that may be found under the heading of the particular kind of trespass involved. The report will then be submitted promptly to the supervisor for consideration and appropriate action. The location and boundaries of the trespass area and the relative location of other important objects should be shown on a carefully prepared map.

If the trespass was committed on or under color of a claim, a separate report, to accompany the trespass report, should be made upon the claim, in accordance with the outline given in Form 654 or 655.

In all civil cases where voluntary settlement can probably be secured the report, accompanying papers, and map will be prepared in duplicate in supervisors' cases and in triplicate in district foresters', Forester's and Secretary's cases. The original will always be forwarded through proper channels to the officer authorized to effect settlement. The carbon copy in supervisors' cases is for the ranger's file, and in all other cases the supervisor will be furnished one copy for his files. In cases requiring criminal prosecution and in all civil cases in which it will be necessary to institute legal proceedings, the report and accompanying papers will be prepared in quintuplicate, the original and first carbon copy being transmitted through the usual channels to the Attorney General. The second, third, and fourth carbon copies are for the files of the district forester, supervisor, and ranger, respectively.

#### **Evidence and Witnesses.**

The forest officer should start his investigation with an open mind and avoid prepossessions that may lead to error in observation and that are not warranted by the circumstances so far as known. Unless this is done there will be a natural and unavoidable tendency to construe everything as evidence in support of the preconceived opinion and to disregard or slight everything tending to support the other side. In short, he is likely to see only what he wants to see. The only safe course, therefore, is to attempt to get the true facts regardless of whether they are favorable or unfavorable to the person charged with the trespass.

In civil actions the United States must have the weight of evidence to secure a verdict, and in criminal prosecutions proof beyond a reasonable doubt is necessary to convict. Evidence applying directly and immediately to the fact to be proved has greater weight in legal proceedings than circumstantial evidence. Mere suspicions or guesses will not establish responsibility for the trespass. Generally speaking, hearsay is inadmissible as evidence. However, hearsay occasionally serves a useful purpose in that it furnishes a clue that may lead to the identity of witnesses who can give first-hand testimony. For this reason the investigating officer should not disregard it, but should endeavor to locate and interview any person who claims to have personal knowledge of the facts alleged.

An attempt should be made to get each witness to execute an affidavit containing a concise and accurate statement of the facts to which he can testify. The statement should be phrased as nearly as practicable in the words of the witness, and before signing he should read the statement or have it read to him. When an affidavit can not be obtained, the investigating officer should indicate in a memorandum the facts to which the witness, if willing, will be able to testify. Photographs are competent evidence, and, when properly taken, are recognized as of a high order of accuracy. Therefore, a photograph should be taken of the premises or other object if it can be used to prove any fact in issue. Any damaging admission made orally by the trespasser, his agent, or employees, or by any person identified in interest with him, should be carefully recorded, and, if made in the presence of witnesses, the names and addresses of such witnesses given. Any admission made in writing should also be included in the record.

Manifestly the testimony of a biased witness is not as valuable as that of a witness who is clearly free of bias. Neither is the testimony of a man of bad or doubtful character likely to have as much weight with court and jury as that of a man of good character. It will, therefore, greatly aid the officers who pass upon the sufficiency of the evidence if the investigating officer indicates the general reputation in the community of the witnesses named in the report and states whether the testimony of any of them may be subjected to attack on the ground of bias, due to a personal grudge against the trespasser or to any other reason. It will also prove helpful if there is included in the report a statement of the probable defense of the trespasser, and, if known, the names, addresses, and general reputation of the witnesses he will likely call. Indicate also any evidence available to the United States that may be used to controvert or weaken the testimony that the trespasser will probably offer, and, if known, any evidence that might be offered by the trespasser to controvert or weaken the testimony of Government witnesses. When an exhaustive investigation has failed to establish responsibility the investigating officer should prepare a statement for his files of the known facts in the case and report to the supervisor his reasons for believing that nothing will be gained by continuing the investigation. It is desirable to keep such a statement since something may unexpectedly develop later that will disclose, or tend to disclose, the trespassers' identity.

#### **Action by Supervisor—Trespasser's Statement.**

If upon receiving the report it is the supervisor's opinion that a trespass has been committed, he will in all civil cases, and, if advisable, in criminal cases, inform the trespasser, by registered mail or in person, of the trespass, and that he will be allowed a definite time from receipt of notice in which to make a sworn statement of the circumstances of the trespass and his estimate of the damages, if any, sustained by the Government as a result of the trespass. In all cases where the United States has suffered a loss the trespasser will also be informed that his statement will be considered in the determination of the actual damages resulting from the trespass.

#### **Conference with Trespasser.**

Whenever practicable the supervisor should meet the trespasser and talk the matter over with him. No trespass report in which settlement is recommended on a civil basis should be forwarded to the district forester until the trespasser has had an opportunity to present his version of the facts, either orally or in writing. The substance at least of any oral statement of the trespasser should be covered in a memorandum or else incorporated in the report by the supervisor or other officer to whom it is made.

#### **Procedure in Supervisor's Office.**

After consideration of the trespasser's statements the supervisor will supplement the forest officer's report by his own findings as to the damage sustained by the United States, and particularly as to the innocence or wilfulness of the trespass. He will then send both to the district forester unless the case is one that he is authorized to settle direct in accordance with the instructions under the heading "Supervisors' cases," in the chapter dealing with civil cases. A separate folder appropriately designated will be used for each case and an index card (Form 618) prepared.



#### **Procedure in District Office.**

Upon receipt of the papers in the case the district forester will refer them to the office concerned. A separate folder, with the designation thereon, will be used for each case. An index card (Form 618) will be used for each case, upon which will be entered the case designation and other required notations. The assistant district forester in charge of the office, after having examined the report, will prepare a memorandum containing his estimate of the damage sustained by the United States, his opinion regarding the nature of the trespass, and his recommendations for action.

If the district forester is of the opinion that the facts set out in the reports and papers submitted by the supervisor do not show that a trespass has been committed, and it is impossible to procure additional evidence, the district forester may close the case without referring it to the district assistant to the solicitor. Otherwise the case will, after reference to the district assistant to the solicitor, be handled in accordance with the instructions under the heading "Civil cases" or "Criminal cases," as the case may be.

#### **Action Upon Report on Claim.**

When a trespass report is accompanied by a claims report all the papers will be referred to the office of lands before proceeding with the settlement of the case. If it appears, upon an examination of the claims report in that office, that action should be initiated to protest the claim, the original reports upon the claim will be removed from the trespass file and a copy substituted. A memorandum showing the intended action, if any, upon the claims report will be attached to the trespass report, which will then be returned to the office concerned. Action in the claims case will be taken in accordance with the procedure prescribed under "Claims."

#### **Reference to District Assistant to the Solicitor.**

Except as provided in the chapter dealing with settlement of trespass cases under the headings "First offense timber trespasses," "Supervisor's cases," and the second paragraph under "Procedure in district office," the district forester will submit the entire case record to the district assistant to the solicitor, who will determine the sufficiency of the information to sustain the action recommended.

If, in his judgment, a trespass has been committed, and the action recommended is warranted by the facts shown by the record, the case will thereafter be handled in accordance with the procedure outlined under "Settlement of trespass cases." If he believes that the trespass is not clearly established, or that the amount of the damage is inadequate or excessive, or that there is an absence of material facts, he will so advise the district forester by memorandum, indicating, if necessary, the additional evidence required to complete the case. If the district assistant to the solicitor dissents from the opinion of the district forester, the latter will take steps to conform to the legal requirements outlined by securing additional reports or evidence, and will again submit the case to the district assistant to the solicitor. Appeals by the district forester from the decisions of the district assistant to the solicitor will be taken in accordance with the instructions under the caption "Law," in the Administrative Section of the Manual.

## **SETTLEMENT OF TRESPASS CASES.**

Trespass cases may be settled by administrative or trespass action, depending on the circumstances of the case. The authority for various forms of administrative settlement is contained in Regulations S-15, G-17, G-20, and L-31. Other forms of settlements are described under "First-offense timber trespass" and "First-offense occupancy and property trespass." Settlements are authorized under first-offense procedure only where the amounts are small and the acts are free from maliciousness as described under "First-offense timber trespass."

## FIRST-OFFENSE TIMBER TRESPASS.

In innocent timber trespasses by parties who have not previously committed timber trespass on a National Forest, which are free from maliciousness and gross carelessness and do not involve timber exceeding \$100 in value, settlement will be effected, if practicable, on the following basis:

(a) If the person responsible for the cutting would have been granted the timber cut under the free-use regulations had he made application therefor in advance, the timber may be granted under free use, provided it has been, or will be, used for the purposes specified in the free-use regulations.

(b) If the person responsible for the cutting would not have been granted the timber cut under the free-use regulations, but would have been entitled upon application to purchase it under Regulation S-22, the proper forest officer is authorized to sell the timber to such person in accordance with the terms of Regulation S-22, provided it has been, or will be, used upon a homestead or farm for domestic purposes.

(c) If the person responsible for the cutting would not have been granted free use of the timber cut or entitled to purchase it under Regulation S-22, the proper forest officer is authorized to sell the timber to such person under the sale regulations at the usual commercial rates.

### Initial Procedure.

Action by the forest officer making the report and by the supervisor in first-offense innocent timber-trespass cases, as above outlined, will be similar to that covered by "Civil cases." The supervisor should refer to his card record to determine whether the trespasser has previously committed a timber trespass.

### Settlement by the Supervisor.

Supervisors may in the discretion of the district forester be authorized to settle first-offense cases in which the timber involved does not exceed \$100 in value. When so authorized the supervisor need not submit the papers to the district office for review unless he desires the advice of the district forester or the assistant to the solicitor, in which case the trespass will be handled by the district forester. The letter to the trespasser will be prepared and signed by the supervisor. The letter should contain an offer to the trespasser to make settlement under the provisions of paragraphs (b) or (c) with instructions as to the procedure necessary thereunder; will inform him upon what basis voluntary settlement will be allowed; will state that the case must be treated as a trespass and damages assessed accordingly if voluntary settlement is not made, and will warn the trespasser against future violation of the National Forest regulations. He will be informed that 15 days will be allowed within which to make voluntary settlement as indicated and that future offenses will be treated as trespass. The letter to the trespasser will be accompanied by letter of transmittal (Form 861) prepared and signed by the supervisor.

A copy of the letter to the trespasser will be sent to the proper forest officer with instructions as to the disposition of the case under paragraphs (b) or (c).

In any case coming under paragraph (a) the letter from the supervisor will inclose a free-use permit and will warn the trespassers against further violations of the National Forest regulations. A copy of such letter and permit will be sent to the proper forest officer.

### Settlement by the District Forester.

First-offense cases will be referred to the district forester for settlement by supervisors who have not been authorized to settle first-offense trespass cases, or any case where there appears to be doubt. The district forester will refer the case to the assistant to the solicitor, who will prepare the letter for the signature of the district forester, requesting settlement in cases coming under paragraphs (b) and (c). The contents of the letter and other procedure is indicated under "Settlement by supervisor."



#### **Record of Timber Trespass Cases.**

A timber trespass record card (Form 618) will be made out in the supervisor's office. If the case is settled by a sale or by free use, the card will be indorsed "Settled under first-offense procedure." Cases settled by free use or sale will not be reported as trespasses in the annual report (Form 446), but will be reported in accordance with the method of settlement.

#### **Voluntary Settlement Not Made.**

If voluntary settlement is not made in first-offense timber trespass cases, the cases will be handled as outlined under "District forester's cases."

#### **Basis of Voluntary Settlement.**

Cases coming within the scope of (b) will be settled on the cost of making and administering the sale of the timber involved, as set forth in Regulation S-22. Cases coming under (c) will be settled on the stumpage value of the timber, ascertained as in appraisals for timber sales. If voluntary settlement be not made in cases coming under (b) and (c), the measure of damages claimed in referring the case to the Department of Justice will be as provided "In innocent cases."

#### **First-Offense Occupancy and Property Trespass.**

First-offense occupancy and property trespass cases may, if the facts warrant, be settled by the issuance of a special-use permit or by the return of property. The limitations and procedure will be similar to first-offense timber trespass cases.

### **CIVIL CASES.**

**REG. T-9.** The forest supervisor, when authorized by the district forester, may settle any innocent or unintentional trespass involving a claim for not more than \$100. The district forester may settle any trespass involving a claim for not more than \$1,500. The Forester may settle any trespass involving a claim for not more than \$5,000. Any trespass involving a claim for more than \$5,000 will be referred to the Secretary of Agriculture.

#### **Legal Remedies for Trespass.**

The United States has all the legal remedies for trespasses upon its lands that are available to individuals, and invokes the aid of its own courts to enforce them. Among these remedies are: Injunction either to prevent threatened trespasses or to terminate such as are being committed; action to recover the value of products and resources of the lands converted or injured by trespassers; and prosecutions for violation of statutes defining crimes in relation thereto.

#### **Injunction.**

Whenever a threatened or actual trespass on lands of the United States within a National Forest is discovered and resort to the remedy of injunction is necessary, the supervisor will communicate the facts to the district forester, who will consult with the district assistant to the solicitor, and if the latter is of the opinion that injunction can be maintained he will report the facts to the Solicitor for reference by the Secretary to the Attorney General for action.

Whenever application for an injunction is too urgent to admit of delay in ordinary correspondence between the district assistant to the solicitor and the Solicitor, the former will telegraph briefly all the essential facts in the case to the Solicitor, and the Attorney General will be requested to give immediate instructions to the United States attorney to apply for an injunction.

Whenever application for an injunction is so urgent that the interests of the United States would be prejudiced by the delay incident to the course outlined in the paragraph immediately preceding, the district assistant to the solicitor will submit the facts to the proper United States attorney and will request that application be made immediately for an injunction, but as soon as possible thereafter he will advise the Solicitor of his action and of the essential facts in the case in order that the Attorney General may be requested at once to give the necessary instructions to the United States attorney.

The facts on which the injunction is sought should be promptly communicated to the Forester for his information by the district forester.

#### **Supervisor's Cases.**

Supervisors may, in the discretion of the district forester, be authorized to accept settlement for any innocent or unintentional trespass in which the claim against the trespasser does not exceed \$100. When so authorized the supervisor need not refer the papers to the district office for review unless he desires the advice of the district forester or assistant to the solicitor. In this event the case will be handled by the district forester. The letter to the trespasser requesting settlement, and the accompanying letter of transmittal (Form 861) will be prepared and signed by the supervisor. If payment is not made within a reasonable time the entire file will be referred to the district office and the case will thereafter be handled in the same manner as are district foresters' cases in which voluntary settlement is not secured.

#### **District Forester's Cases.**

Innocent and willful trespasses will be settled by the district foresters if the estimated damage does not exceed \$1,500. The letter to the trespasser requesting settlement will be prepared for the signature of the district forester by the district assistant to the solicitor. Such letter, which will be forwarded through the supervisor, will inform the trespasser of the sum due the United States because of his trespass, as determined by the district forester, and that, upon payment of this amount and the fulfillment of such conditions as may be necessary to protect the National Forest, the case will be closed. A letter of transmittal (Form 861) for the amount due, signed by the district forester, will accompany the letter. If payment of punitive damages is requested, the trespasser should be assured that opportunity to make voluntary settlement is offered merely to enable him to avoid the costs of court proceedings, which otherwise will be initiated.

A promise card will be prepared, and if after the expiration of a reasonable time the payment has not been received, the entire case will be referred to the district assistant to the solicitor, who will write a second letter to the trespasser calling attention to his failure to pay the amount due. If the trespasser fails or refuses after receipt of the second letter to make settlement as required, the papers will be returned to the district forester, who will transmit them to the Forester. After review of the record, the Forester will forward the case to the Solicitor for submission to the Attorney General for the institution of civil suit.

#### **Forester's Cases.**

Innocent and willful trespasses, in which the estimated damage exceeds \$1,500 but is not more than \$5,000, will be settled by the Forester. In all such cases the district forester, after adding his recommendations, will submit the record to the district assistant to the solicitor for review. The record, including the comments and recommendations of the district assistant to the solicitor, will then be forwarded to the Forester. In his consideration of the case the Forester will consult with the Solicitor regarding any doubtful points. After the determination of the amount due the United States, the Forester will return the record in the case to the district office with his decision. Upon receipt of the papers in the district office the case will thereafter be handled in accordance with the procedure prescribed for the settlement of district forester's cases, it being indicated in the letter to the trespasser that the settlement requested was fixed by the Forester.

#### **Secretary's Cases.**

Innocent and willful trespasses, in which the estimated damage exceeds \$5,000, will be settled by the Secretary. Procedure in the district office will follow that outlined for Forester's cases. When the record is received by the Forester he will, after adding his recommendation, transmit it to the Secretary through the Office of the Solicitor. When the Secretary has determined the amount due the United States the papers will be returned to the district office, through the Office of the Forester, with his decision. Upon receipt of the papers in the district office the case will thereafter be handled in accordance with the procedure prescribed for the settlement of district forester's cases, it being indicated in the letter to the trespasser that the settlement requested was fixed by the Secretary.



#### **Action by Attorney General.**

If the trespasser declines or fails to make voluntary settlement the case record will be forwarded, through the Forester, to the Secretary of Agriculture, so that the facts may be reported to the Attorney General for institution of suit for the recovery of the ascertained damages, together with such exemplary damages as may be awarded by a jury upon consideration of the aggravated circumstances of the case. When it is necessary to report a case to the Attorney General the Solicitor will prepare the letter for the signature of the Secretary.

#### **Compromise of Civil Trespasses.**

In every case where a compromise of a trespass is recommended by forest and law officers and approved by the Secretary the Secretary will advise the Attorney General of the proposed compromise and request that the case be settled in accordance therewith.

If a civil action for the recovery of damages has been referred to the Department of Justice, but suit has not as yet been filed, any sum offered in compromise of the total amount of damages claimed can not be accepted by the district assistant to the solicitor or by forest officers. Ultimately such cases are referred by the Attorney General to the Secretary of the Treasury. (Sec. 3460, R. S.) Pending the action outlined in the preceding paragraph and the acceptance or rejection of the offer of settlement, the Secretary of the Treasury has requested that the sum offered shall be deposited in the proper United States depository, to be placed to the credit of the Secretary of the Treasury, Special Account No. 5. When such a deposit is to be made as a compromise offer of settlement, the office handling the case will furnish the district fiscal agent with a brief statement of the facts indicating the amount offered and, if known, the date payment is to be made. This information is necessary in order that the district fiscal agent may properly identify the deposit when it is reported by him to the Treasury. The fiscal agent will furnish the office concerned with a copy of his letter to the Treasury for filing in the case folder.

If a civil action for the recovery of damages has been referred to the Department of Justice but suit has not as yet been filed, and the sum offered is for the full amount of damages claimed, the district assistant to the solicitor after conferring with the United States attorney and where agreeable to him, may place the amount in the hands of the district fiscal agent to be deposited to the credit of Forest Service receipts. In all such cases the district assistant will then at once advise the Solicitor of the offer of settlement and disposition of the sum offered, in order that the Secretary may inform the Attorney General of the action taken and request that the case be closed.

If suit for the recovery of damages has been filed, any sum offered in compromise or settlement of the suit will be deposited with the clerk of the court pending final action as outlined above.

### **CRIMINAL CASES.**

**REG. T-10.** Criminal trespasses, except those prosecuted under State laws and minor Federal cases requiring immediate action, and all civil trespasses which require the institution of legal proceedings, will be reported, through the Forester, to the Secretary of Agriculture for reference to the Attorney General for action.

#### **Criminal Prosecution.**

Settlement of or institution of suit to recover damages resulting from a trespass in a National Forest does not bar a criminal prosecution for the trespass, and the Secretary of Agriculture can not accept settlement made on the condition that no such prosecution will be instituted; nor has the Secretary power to dismiss a pending prosecution. Except in flagrant cases, as hereinafter stated, no forest officer will take action looking to a criminal prosecution of the trespasser, but will report all the facts to the supervisor as directed under heading "Civil cases." The Secretary will determine from the facts reported to him whether or not criminal proceedings should be recommended to the Attorney General.

In fire trespasses where there appears to be sufficient evidence to secure conviction, criminal prosecution should be recommended ordinarily for all violations of sections 52 or 53 of the Criminal Code (act of Mar. 4, 1909), or of Regulation T-1, or of the criminal code of the State in which the trespass occurs. When the circumstances of the case are such that payment by the trespasser of the damages sustained by the Government will constitute an adequate penalty, civil action alone should be recommended. A judgment for civil damages will not be an adequate penalty, irrespective of the amount involved, if the trespass is malicious or the result of gross carelessness. In such cases both civil and criminal action should be recommended except that civil action should not be recommended when the damage involved is less than \$50, and there appears to be sufficient evidence to secure conviction in a criminal action.

#### **Arrest.**

All forest officers have power to arrest without warrant any person whom they discover in the act of violating the National Forest laws and regulations, or if a violation of such laws and regulations is committed out of the view of such officers they have the authority to secure a warrant from a United States commissioner, or, if one is not convenient, from a justice of the peace, and use it as the visible sign of the right to arrest, and also to arrest for any such violation on a warrant obtained by any competent person. Every person so arrested must be taken before the nearest United States commissioner for commitment.

#### **Action by Ranger Where Arrest is Necessary.**

In willful and flagrant cases where immediate action is necessary in order to protect the forest from damage or to prevent the escape of the trespasser the ranger will place the trespasser under arrest if he is detected in the act of committing trespass, or if not so detected will first procure a warrant for his arrest; will notify the supervisor at once, advising him of the need of immediate action, of the evidence against the trespasser, and of the United States commissioner before whom the hearing will be held. He will also secure evidence upon all of the points mentioned under the head of "Civil cases." He will immediately take the trespasser before the proper United States commissioner, swear to a complaint, and, in the absence of the district assistant to the solicitor, represent the Forest Service at the hearing, and hold the trespasser for disposition according to the instructions of the commissioner. After the case has been acted upon by the commissioner the ranger will submit full reports upon the proper forms, as in a civil case, to the supervisor, including a statement regarding the urgency of the need for arrest, and the decision and rulings of the commissioner.

#### **Action by Supervisor Where Arrest is Necessary.**

The supervisor upon receipt of the ranger's preliminary report will at once notify the district forester, in order that the district assistant to the solicitor may attend the hearing if possible. The supervisor should endeavor to attend the hearing before the commissioner, or, failing to be present, should give the ranger full instructions relating to the case. As soon as the case before the commissioner has been decided and the ranger has submitted full reports upon the proper forms the supervisor should consider, approve, and record them in the proper manner, and forward all papers in the case to the district forester for submission to the district assistant to the solicitor, adding such recommendations as are necessary and stating in full all rulings and decisions made by the commissioner. The case will then be considered by the district assistant to the solicitor, and if the evidence is sufficient and complete he will prepare a memorandum to that effect for the district forester, who will forward the case to the Forester. (Reg. T-10.)

#### **Closure of Cases.**

When the trespasser has paid the damages assessed against him or the fine imposed by the court, and, in timber trespass, has placed the cutting area in a satisfactory condition, the case will be closed.



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# TIMBER SALES.

## 1. WHERE TIMBER MAY BE CUT.

<sup>a</sup> REG. S-1. The cutting of timber within the National Forests may be authorized under sale or permit, or otherwise, as prescribed by regulation:

(1) On any vacant land.  
(2) On any abandoned mineral location.  
(3) On any unperfected lode location, or placer location on unsurveyed land, the boundaries of which are not marked and which show no substantial evidence of location or development.

(4) On any unpatented claim with the written consent of the claimant.  
(5) On any unpatented claim, if necessary without the consent of the claimant, in emergencies arising from insect infestations or rapid deterioration of fire-killed timber.

(6) On any unpatented mineral location made within a sale area subsequent to the first publication of the notice of the sale of the timber upon such area, or subsequent to the execution of the sale agreement or the issuance of permit affecting the timber upon such area not advertised.

(7) On unapproved selections, unclassified grant lands, and other lands of unsettled status, in emergencies to prevent serious and unnecessary loss, upon submission of a bond by the operator to pay a stipulated price for the timber cut if title is not perfected adversely to the Government within a specified period. Where allowed by law timber may be cut without additional authorization by the claimant from any unperfected claim for its actual development or for uses consistent with the purposes for which the claim was entered. All other cutting is prohibited.

The cutting and removal of timber, when such cutting and removal does not obstruct actual mining operations, shall not be prevented or interfered with by any person asserting a claim to the use of such timber under an unpatented mineral location made subsequent to the first publication of the notice of sale including such timber, or subsequent to the execution of the sale agreement or the issuance of permit covering timber not advertised.

### From Vacant Lands.

The cutting of timber may be authorized under sale or permit or otherwise as prescribed by regulation from any vacant, i. e., unpatented or unclaimed, land within a National Forest.

Timber may be sold from lands classified as chiefly valuable for agriculture or listed under the act of June 11, 1906, prior to their entry, except lands covered by individual applications prior to the expiration of the 60-day preference right of entry granted by law to the applicant. Any entry subsequent to the date of sale is subject to the right of the purchaser to remove the timber contracted; but such sales will ordinarily be restricted to small amounts of material required for local use. If there is any likelihood of the land being entered prior to the expiration of the sale contract, the supervisor should notify the register of the local land office of the sale, giving amount of timber and contract period, and request that this information be brought to the attention of anyone desiring to file an entry. Due consideration should be given in such sales to the reservation of an adequate supply of timber for farm improvements. (See "Sales on agricultural lands," p. 8.)

### From Abandoned Mineral Locations.

Where it is clear that a location has been abandoned, although the boundaries may still be marked, the cutting of timber may be authorized. It should be certain that the claim has been abandoned, that is, that the claimant has left it with the expressed or implied intention of not returning, and that the ground is open, under the public-land laws, to entry by other persons. Failure to perform and record the annual assessment work is legal evidence of abandonment. Under the act of January 22, 1880 (26 Stat., 61), however, the locator is allowed the full calendar year following the date of location to perform the first assessment work. If any doubt exists as to the sufficiency of evidence of abandonment, the case will be referred to the assistant to the solicitor.

\* Regulation amended; effective July 10, 1920.

#### **From Unmarked Mineral Locations.**

Where the boundaries of a lode claim or of a placer claim on unsurveyed land are not specifically marked and there is no substantial evidence of its existence, the timber may be sold. Protests alleging the location of mineral claims prior to the sale should be referred to the assistant to the solicitor for opinion as to the legal sufficiency of the location.

#### **From Abandoned Homestead Entries.**

The cutting of timber will not be authorized, except under the conditions named below, from any homestead entry, regardless of apparent evidence of abandonment, prior to its cancellation by the General Land Office. In urgent cases where homestead entries on sale areas have apparently been abandoned, the facts should be reported to the district forester for reference to the chief of the field division.

#### **From Unpatented Lands with Claimant's Consent.**

The cutting of timber may be authorized on any unpatented claim with the written consent of the claimant.

Except as specified below, forest officers will not sell or authorize the cutting of timber from existing claims, areas which after survey will be school or railroad lands, or unclassified railroad sections within the primary limits of the grant, without the written consent of the claimant.

#### **From Unpatented Lands without Claimant's Consent.**

It was held by the United States Circuit Court for the District of South Dakota, in *Lewis v. Garlock* (168 Fed., 153), that the United States may sell insect-infested timber from an unperfected mining claim which menaces timber on adjoining National Forest land. In emergencies arising from insect infestations, fire danger created by dead standing or down timber, or rapid deterioration of fire-killed timber, forest officers may dispose of stumpage on unperfected mining or other claims which is a menace to the Forest or which will be a total loss if not utilized immediately.

In all cases the consent of claimants will be obtained if possible.

#### **\* From Locations Made Prior to Starting of Sale.**

Cutting must be suspended on locations made prior to the first publication of the notice of sale or, in cases where the timber is not advertised, on locations made prior to the execution of the sale agreement or prior to the issuance of permit, if the latter form of sale is used. If the evident purpose of the location is to interfere with the timber sale or if the claim is apparently invalid, a report thereon will be forwarded at once to the district forester, who will report the matter to the chief of field division with a request for immediate action to determine the validity of the claim.

#### **\* From Locations Made Subsequent to Starting of Sale.**

Unless cutting or removal obstruct actual mining operations, timber may be cut from locations made subsequent to the first publication of the notice of sale or, in cases where the timber is not advertised, from locations made subsequent to the execution of the sale agreement or subsequent to the issuance of permit.

#### **From Lands of Unsettled Status.**

Claimants or purchasers may be authorized *in emergencies* to cut timber on unapproved selections, unclassified land grants, unperfected claims, or other lands of unperfected or clouded status within the boundaries of National Forests which would in the event of their cancellation, forfeiture, or abandonment revert to the United States.

Such cutting will be allowed only to permit the utilization of fire-killed timber, insect-infested timber which is a menace to the surrounding forest, over-mature timber which is deteriorating rapidly, small tracts which will be isolated when the surrounding timber is cut, or in other emergencies to prevent serious and unnecessary loss. It will be subject to very simple restrictions designed to secure close utilization and to protect surrounding lands from fire. The leaving of merchantable timber for seed or future cutting will not ordinarily be required.

The person or company who will cut the timber will be required to file a satisfactory bond with the Forest Service for the full stumpage price which will be due the United States if title to the claim is not perfected adversely to the Government within a specified time. This period will not exceed five years, but at its expiration may be extended to a maximum of 10 years if warranted in the judgment of the approving officer.

\* Instructions modified ; effective July 10, 1920.



It will not be necessary to recognize arrangements between operators and claimants. Although there is no legal necessity for such action, operators should be advised, as a matter of good faith with the claimant, to make such agreements as will satisfy his interests.

Bonds covering the cutting of timber from lands of unsettled status will be referred to the Forester for approval. District foresters should check annually the status of all lands covered by bonds of this character and take necessary action to collect amounts due the United States or to notify sureties that their obligation has expired. Following each annual check, the Forester should be notified of all lands covered by such bonds whose status is still unsettled. The list will be submitted to the land office with a request to expedite action thereon.

The following form of bond will be used:

KNOW ALL MEN BY THESE PRESENTS, That we \_\_\_\_\_ of  
(Name of principal)  
\_\_\_\_\_, as principal, and \_\_\_\_\_, a  
(Name of surety)  
corporation organized and existing under and by virtue of the laws of the State of \_\_\_\_\_ and having an office and principal place of business at \_\_\_\_\_, as surety, are held and firmly bound unto the United States of America in the sum of \_\_\_\_\_ dollars (\$\_\_\_\_\_), for the payment of which sum well and truly to be made to the United States of America at the \_\_\_\_\_ Bank of \_\_\_\_\_, United States depository, or to such other depository or officer as shall hereafter be designated by the United States, to be placed to the credit of the United States, we bind ourselves and each of us, our and each of our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

The condition of this obligation is such that,

WHEREAS, The lands, designated as \_\_\_\_\_  
(Describe by legal subdivisions if surveyed, and approximate legal subdivisions if unsurveyed, the unapproved selection, unclassified grant, or unperfected claim from which the timber is to be cut by the principal.) situated within the \_\_\_\_\_ National Forest, are \_\_\_\_\_  
(Describe the form of claim, grant, or selection attaching to the land, indicating the land law under which it is claimed, the name of the claimant, grantee, or selector, and the date when initiated.)

WHEREAS, The timber on the said lands \_\_\_\_\_  
(Indicate whether fire-killed, insect-infested, overmature, to be isolated and inaccessible when surrounding timber is cut, etc.) and in consequence thereof said timber is \_\_\_\_\_  
(Deteriorating in value, and unless cut, will continue to deteriorate in value, or in danger of deterioration unless cut at the present time)

WHEREAS, It is to the advantage and interest of both the United States and the \_\_\_\_\_ that the said timber shall be cut and removed  
(Name of claimant)

before it shall further deteriorate in value and become worthless, and,  
WHEREAS, The said \_\_\_\_\_ has hitherto entered into an  
(Name of principal)  
agreement with \_\_\_\_\_ by the terms of which the said  
(Name of claimant)  
\_\_\_\_\_ will interpose no objection to the cutting and removal of said timber by the said \_\_\_\_\_, and,  
(Name of principal)

WHEREAS, In consideration of the execution of this bond and its approval by the Forester, for and on behalf of the United States, the United States does hereby agree not to interfere with the cutting and removal of said timber by the said \_\_\_\_\_, in accordance with the said agreement entered  
(Name of principal)

into by the said \_\_\_\_\_ with the said \_\_\_\_\_;  
(Name of principal) (Name of claimant)  
Provided that the said \_\_\_\_\_ shall cut and remove said timber  
(Name of principal)  
in strict accordance with the following conditions and requirements:

(Insert regulations governing the cutting and removal of the timber).

<sup>a</sup> (1) The said \_\_\_\_\_ agrees to deposit with the  
\_\_\_\_\_  
(Name of principal)  
\_\_\_\_\_  
(United States depository), or such other depository  
or officer as shall hereafter be designated, to be placed to the credit of the  
United States, in advance of cutting, a sum sufficient in the judgment of the  
forest supervisor to cover the cost of marking or designating the timber to be  
cut, of scaling the timber which is cut, and of the administration of the cutting  
and brush disposal, in installments of not less than \$\_\_\_\_\_ each when  
called for by the forest officer in charge. This sum shall be retained by the  
United States: as either reimbursement for the cost of the work of designating  
and scaling the timber and of the administration of the cutting and brush  
disposal if the said \_\_\_\_\_  
(Name of claimant)  
securer patent from the Depart-  
ment of the Interior for the lands heretofore described within the period of this  
agreement; or to be placed to the credit of the said \_\_\_\_\_  
(Name of principal)  
and applied as partial payment on the timber cut if patent is not secured within  
such period. If patent is secured to lands which contained but a portion of the  
timber cut, a like proportion of the total amount paid shall be charged to the  
cost of scaling and administration on such lands; the balance to payment for  
timber cut on the remaining lands.

Now, THEREFORE, If the said \_\_\_\_\_ fails to secure patent  
(Name of claimant)  
from the Department of the Interior for the lands heretofore described, or any  
part thereof, within \_\_\_\_\_ years from the date this instrument was executed,  
and the said \_\_\_\_\_ shall promptly pay the United States  
(Name of principal)  
for all timber, according to the scale or estimate of the forest officer, cut or re-  
moved by \_\_\_\_\_ from the said lands, or any part thereof,  
(Him, them, or it)  
for which patent is not secured within the period above specified, at the rate of  
\_\_\_\_\_ or if patent is issued to the said \_\_\_\_\_ for the said lands by the  
(Name of claimant)  
Department of the Interior within \_\_\_\_\_ years from the date this instrument  
was executed, then this obligation shall be void, otherwise to remain in full  
force and effect.

IN WITNESS WHEREOF, The said \_\_\_\_\_ and \_\_\_\_\_  
(Name of principal) (Name of surety)  
have executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_.

Signed and sealed in the presence of:

(Corporate seal, if corporation.)

Witnesses:

\_\_\_\_\_  
(Name of principal) [SEAL.]  
\_\_\_\_\_  
\_\_\_\_\_  
(Name of surety) [SEAL.]

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Forester.

#### From Reclamation Withdrawals.

Prior to the actual use of land within National Forests withdrawn for rec-  
lamation purposes, it will remain under the administration and jurisdiction of  
the Forest Service. The cutting of timber on such lands may therefore be  
allowed under sale or otherwise. Proposed cutting should be referred to the  
supervising engineer of the Reclamation Service and his statement obtained  
that the timber will not be needed for construction purposes. Receipts from  
such sales will be covered into the Treasury in the regular manner.

#### Cutting by Claimants.

Timber on any unperfected claim may be cut by the claimant without sale or  
permit to any extent necessary for its development or for uses consistent with  
the purposes for which the claim was entered.

#### Free Use to Claimants.

Where cutting on any claim is authorized by the Forest Service and the claim-  
ant subsequently needs timber for the development of the claim, he will be  
allowed to take under free use from lands of the United States an amount of tim-  
ber for these purposes equivalent to the amount cut from his claim. This neces-  
sitates keeping a separate record of the timber cut from unperfected claims.

<sup>a</sup> Paragraph added; effective Oct. 1, 1916.



#### **Payment for Timber Cut from Claims.**

Unless authorized by law for the development or improvement of the claim or unless a satisfactory bond is furnished as prescribed above, payment for any timber cut from a claim will be made to the United States whether the claim is apparently held in good faith or not.

#### **Protection of Purchasers and Permittees.**

Purchasers will as far as practicable be protected in the exercise of privileges granted them by the Forest Service against injunction or other proceedings brought by claimants of invalid claims. Such cases will be reported by forest officers to the district forester, who will refer them, with recommendations, to the assistant to the solicitor to determine what action may properly be taken by the Government.

## **2. LIMITATION OF CUT.**

**REG. S-2.** The Secretary of Agriculture will prescribe from time to time, upon data furnished by the Forester, the maximum amount of matured and large-growth timber which may be cut, by years or other periods, on each National Forest or other unit.

#### **Policy as to Restriction of Cutting.**

The purpose of limiting the cut from any National Forest is (1) to conserve the supply of timber required for local use and (2) to restrict the amount removed from areas under intensive management to what they are currently producing. The first consideration is of practical importance only on Forests where local use will require a large part of the present supply and of the current growth under management; the second, only on Forests whose silvicultural condition, particularly as regards distribution of age classes, permits scientific handling for a sustained yield.

It is the policy of the Forest Service to cut stands of overmature and mature timber as rapidly as practicable, subject to the retention of an adequate supply for all local needs and to the conditions stated under "Size and period of sales," page 13. On Forests which contain large quantities of mature stumpage in excess of local demands no restriction upon the possible cut is necessary. The limitation should be an amount ample to cover all anticipated sales.

On Forests subject to a large local demand the limitation should be the amount required to satisfy this demand, with such surplus for outside sales as can clearly be spared without risking the supply available for local needs in the future. Where it is probable that near-by industries or communities will require all of the present timber and all or most of the yield under management, sales for outside use will not be made.

As other Forests are brought, through the removal of their surplus of mature timber, into a silvicultural condition justifying intensive management, the limitation should be made equivalent to current production. The annual or periodic cut will be fixed in accordance with the terms of the working plan, if one has been prepared. In its determination, protection areas, where no cutting or very limited cutting can be allowed, should be excluded.

Where careful restriction of the amount cut is necessary for either of the reasons given above, the forest supervisor should check proposed sales with the limitation and the policy in accordance with which it was fixed. Appropriate instructions on the kinds of sales which will be approved should be issued to officers on the Forest having authority to make sales. On other Forests recommendations should be made to extend the limitation as necessary to cover desirable sales.

#### **Material Covered by Limitation.**

The limitation of cut does not apply to dead, fire-damaged, insect-infested, or seriously diseased timber. Otherwise it covers the total cut from the unit for sales, free use, and administrative use. It does not include material cut under timber settlement.

#### **Units for Limitation of Cut.**

A limitation will be fixed for each National Forest unless some different unit is advisable for administrative convenience or to apply the foregoing policy

more effectively. Any unit other than a National Forest should be the territory tributary to distinctive local consuming points, which forms their logical supply, or to transportation routes, manufacturing centers, or other economic features which govern the utilization of the timber. As the use of the National Forests becomes more intensive, economic units of this nature will gradually replace Forest units. This should be done, however, only in individual cases as the current needs of administration require.

#### Procedure.

Limitations of cut once established will remain binding until changed by order of the Secretary. District foresters will review the established limitations annually and submit to the Forester on May 1 any recommendations for changes in amounts or units which are deemed necessary. In the absence of necessary changes, no annual report is required.

Where desirable in management or for simplicity, limitations may be fixed for periods not exceeding five years.

### MEANS OF INCREASING SALES.

It is the policy of the Forest Service to increase the cut of timber from each unit up to the limitation prescribed, or at least to an amount equivalent to current production. Systematic effort in this direction is a duty of district foresters and forest supervisors.

It is especially desirable to bring National Forest timber into general use for local supply, including local lumber and pole markets, mining timbers, railroad ties, and fuel. To this end, a market survey should be made of each district and kept up to date by periodic investigation of all important local consuming centers or industries. Its aim should be to show (1) what and how much material is used in the various markets within the district; (2) where it comes from; and (3) if National Forest products are not used, why. As each local situation is analyzed, any possible steps should be taken to put National Forest timber into the market in question. This may require (1) reconsideration of stumpage prices; (2) reconsideration of utilization requirements; (3) assembling of data to show advantages of purchasing National Forest timber in particular cases and special sale negotiations based upon such data; or (4) action before the proper authorities to secure changes in discriminatory freight rates.

All members of the district and Forest organizations should cooperate in preparing lists of possible purchasers, especially local operators whose supply will soon be exhausted, and in furnishing them with data on specific chances at the right time. The assistant district forester in charge of silviculture will be responsible for the systematic organization of this activity. Publicity to National Forest timber by mimeographed circulars, pamphlets, and special advertisements in newspapers and periodicals should also be systematically organized in each district. The Forester's approval of pamphlets must be obtained in advance of publication.

### 3. SILVICULTURAL AND UTILIZATION REQUIREMENTS.

REG. S-3. No sale shall be made until the approving officer is satisfied that practicable methods of cutting can be prescribed which will preserve the living and growing timber, promote the younger growth, and secure as complete utilization of the various species and grades of material as is compatible with existing market conditions.

#### SILVICULTURAL POLICY.

##### Sales on Agricultural Lands.

On lands classified as agricultural all merchantable material will be cut. Where a sufficient supply of material suitable for the customary farm improvements of the region will not be left for any homestead unit, a liberal exception should be made, not however in sufficient amount to permit waste or speculation. (See standard clause 37, p. 27.) Slash will be burned without piling,



but with the construction of sufficient fire lines to protect adjoining timber and reserved patches. (See standard clause 54.) If material reserved for farm improvements is scattered over the cutting, the piling and burning of brush around its exterior edges will ordinarily be sufficient.

#### **Sales of Dead, Fire-damaged, Insect-infested, or Badly Diseased Timber.**

Dead, fire-damaged, insect-infested, and badly diseased timber should be sold wherever occurring as soon as practicable and should be appraised at rates which will, as far as possible, secure its removal before serious deterioration or spread of the damage to other timber occur. Where this can not be done by sale, administrative use or free use should be employed. Clean cutting of all merchantable material will, as far as possible, be required in sales of such material.

#### **Silvicultural Requirements in Other Sales.**

Except under the conditions stated above, no sales will be made unless it is practicable to require methods of cutting and slash disposal which will retain a sufficient stand for protection and a future cut or which will insure the restocking of the cut-over area with desirable species. In exceptional cases, particularly very overmature stands, clean cutting with a view to artificial reforestation may be permitted with the approval of the Forester. No sale, however, which is not desirable from the standpoint of the silvicultural management of the Forest will be approved by any officer of the Forest Service.

#### **Sale of Overmature Timber.**

The sale of overmature timber in which deterioration is taking place should be hastened as far as possible. Special emphasis will be given to such areas in negotiations for proposed sales, and when necessary less mature areas will be withheld from sale until overmature stands in the same locality whose exploitation is now practicable have been disposed of. Appraisals of overmature stumpage which is deteriorating rapidly may, with the approval of the Forester, be made on a somewhat more liberal basis than otherwise to secure immediate cutting.

#### **Cutting of Inferior Species.**

Inferior species are those whose market value is relatively low, often but little, if any, more than the cost of production.

Except in case of serious deterioration, stands composed mainly of such species will be reserved from sale until their market value justifies stumpage prices ordinarily not less than \$1 per thousand board feet. (See under "Minimum prices," p. 12.) In the layout of sale areas types containing such species chiefly may be excluded where practicable.

In stands composed in part of such species, whose sale is desirable and which silviculturally require clean cutting, they will be cut as other timbers.

In mixed stands marked with reference to a second cut, inferior species will as a general rule be cut no more heavily than valuable species. When deemed advisable by the district forester, sound timber of inferior species may be retained as far as practicable, cutting only overmature, diseased, and injured trees. Heavier cutting should be practiced, however, where necessary to prevent serious injury to the forest, such as leaving on the sale area a large proportion of species which are very susceptible to disease.

#### **Destructive Methods of Logging.**

Marking and other silvicultural requirements will, as far as practicable, be adapted to the established and necessary methods of logging in the region; and restrictions imposed upon operators will be only those essential to the silvicultural management of the forest. Where partial cutting is practiced, the less destructive of the known and practicable methods of logging will ordinarily be required, and any additional costs involved compensated in the stumpage appraisal. Specifically, steam logging will usually not be permitted, in partial cuttings, where horse logging is practicable. The introduction of new logging methods will not be permitted except after satisfactory showing that they are no more destructive than the former methods. (See clauses under head "Logging," Form 202.) Exceptions to the foregoing may be made whenever the destruction of existing young growth is of silvicultural benefit.

#### Protection of Cut-Over Areas from Stock.

It is the policy of the Forest Service to restrict grazing on cut-over areas as far as may be required to insure reforestation. Exceptions may be necessary when such restrictions would work serious hardship upon local permittees. Forest officers should fully consider and report upon this feature of sales in grazing districts; and supervisors will, whenever possible, adjust grazing allotments or periods so as to prevent or largely reduce injury from this source. Similar protection should be extended to reproduction on burns or other large openings.

### UTILIZATION POLICY.

#### General Requirements.

Utilization will be required in all sales of such sizes and grades of material as can be practically marketed by an efficient operator. Current standards in the best managed private operations in the region furnish an excellent guide to the utilization which should be required in National Forest sales, but must be supplemented by study of local market conditions. It is the policy of the Service to secure the closest utilization practicable, even if the same financial returns might be obtained for less material.

#### Utilization of Minor Products.

If the market for certain products will not absorb the entire cut of such products in a sale or group of sales, the contract should specify a minimum amount of such material which will be cut and removed, with provision for waiving this requirement in whole or in part upon a showing that such material can not be marketed practicably. (See standard clause 24.)

If the market for certain products is variable and uncertain, their removal should be made optional with the purchaser. (See standard clauses 25 and 26.)

The foregoing applies only to the minor or secondary products of the sale, as cordwood or mine props in operations producing chiefly saw timber or ties. Utilization of such products depends upon their *saleability* and is practicable whenever the operator can log and sell such material at a reasonable profit, considering only current operating costs exclusive of depreciation and maintenance of the main investment. The removal of any or all such material may be required, however, where necessary for silvicultural reasons.

The utilization of the major products of a sale, on the other hand, is governed by their *merchantability* as defined by sizes and other specifications in the contract. This is not based upon the profitable marketing of the individual log or piece, but of the class of material taken as a whole. It will not be affected, therefore, by changes in market conditions and can be altered only by modification of the contract.

#### Utilization of Material for Its Most Valuable Products.

In sales where the same species is to be cut into several products of different value, the contract should require utilization of each class of material for the product having the highest stumpage rate. (See standard clauses 27, 28, and 32.)

Special clauses should enforce this requirement, as far as it may be practicable and reasonable to define specifically for what product each size or grade of material should be used. (See standard clauses 30, 31, 33, and 38.)

### STANDARD METHODS OF SALE PRACTICE.

#### Methods of Cutting.

How to secure a future stand is the most important point to be considered in every proposed sale. It must be provided for by specific methods of cutting determined in advance by the proper forest officer. These may be in the form of marking rules for the particular tract or an established and previously applied marking system for the type concerned, in either case to be covered specifically in the instructions or letter approval of the approving officer.

Systems of clutting for the various forest types are discussed in the Manual on Timber Sale Practice and will be covered by detailed instructions issued by the district forester. As the standard practice of the Forest Service, from 5

Reference to standard clauses are modified; (10-S)  
effective Oct. 1, 1918.



to 10 per cent of the merchantable timber, in volume, will be retained for reseeding in connection with clean cutting, and from 25 to 40 per cent for a future stand where partial cutting is employed. Except for desirable thinnings or to meet local market requirements in exceptional and urgent cases, immature timber will not be cut from stands where mature trees are retained unless the prompt utilization of the latter under the same or subsequent sale is assured.

The methods of cutting should be fully discussed with the purchaser in advance of the sale and plainly set forth in the contract. (See standard clauses 14, 15, 17, and 18.) The marking and discussion of a sample area with the purchaser in advance are essential. As a standard practice, the contract should also specify the maximum percentage of the merchantable volume, by species if necessary, which will be retained in marking. Minimum percentages may be stated in the case of inferior species. Subsequent complaints from operators based upon misunderstanding of the methods of marking contemplated are evidence of distinct failure on the part of the forest officers to properly handle this feature of the sales business.

#### Utilization Requirements.

Every timber-sale contract should contain a specific definition of the material whose utilization is required, or which is regarded as "merchantable." This definition should cover:

- (1) Minimum size of the log or piece.
- (2) In saw timber, proportion of net to gross scale.
- (3)<sup>a</sup> Rating or treatment of particular classes of defect when desirable to standardize the practice. (See clause under head "Scaling and merchantability," Form 202.)

<sup>b</sup> The removal of any material unmerchantable under the terms of the agreement will be allowed without charge in the discretion of the district forester. Thirty days' notice of the requirement to pay for such material should be given to purchasers.

<sup>c</sup> Material unmerchantable under the terms of the agreement for which payment is required by the district forester will be paid for at the special rate designated for such material if such a rate has been specified in the advertisement and in the sale agreement (see standard clauses 11, 23, and 26 and the instructions on p. 34); otherwise at the regular contract prices or under a separate sale. Pieces consisting in part of merchantable and in part of unmerchantable material will be charged for at the regular contract prices if the merchantable portion would be subject to penalty scale.

<sup>d</sup> It is desirable to remove as much small and defective material from sale areas as possible, as protection against fire and insects. Whenever the purchaser is able to dispose of such material if obtained without charge, but will be prevented from doing so if a stumpage price is required, its free removal should be authorized. If, however, a market for such material becomes established which justifies the payment of the special rate designated in the agreement and permits its removal at a reasonable profit after paying such rate, payment should be required. Free use of such material for sale improvements should always be permitted.

As the standard practice of the Service, utilization of dead trees which contain one or more merchantable logs scaling not less than one-fourth of the total volume of the tree will be required. Other special conditions may be imposed to meet particular cases. (See standard clause 34 and printed portion of section 5, Form 202.)

The standard requirement for stump heights will be from 12 to 18 inches, depending upon the size of the timber and subject always to the discretion of the forest officer. Greater heights, to an approximate maximum of 48 inches, may be specified for species characteristically swell, shaky, or pitch butted.

Except when loss from breakage is increased, any stump height within the maximum of 48 inches may be permitted in lieu of long butting after felling. (See standard clause 36.)

Long butting of such species as western larch, to remove material unmerchantable on account of pitch or shake, may be allowed on a conservative basis

<sup>a</sup> Sentence modified: effective July 1, 1915.

<sup>b</sup> Paragraph modified: effective Jan. 1, 1916.

<sup>c</sup> Sentence modified; effective Apr. 1, 1917.

<sup>d</sup> Paragraph added: effective Jan. 1, 1916.

Reference to standard clauses are modified effective Oct. 1, 1918.

conforming with the best utilization on private lands; but the unmerchantability of such material should be established by mill studies and the sale practice governed by their results. (See standard clauses 37 and 38.)

#### 4. MINIMUM PRICES.

**REG. S-4.** The Forester will prescribe from time to time the minimum stumpage prices at which the timber on each National Forest or designated portion thereof shall be appraised. Appraisals at less than the established minimum shall be approved by the Forester prior to sale of the timber. The minimum prices, however, will not apply to timber sold to homestead settlers and farmers under the terms of Regulation S-22, or to dead, fire-damaged, insect-infested, or badly diseased timber.

#### POLICY IN FIXING MINIMUM PRICES.

<sup>a</sup> No timber will be sold for less than its appraised market value. The purpose of fixing minimum rates is to determine the point at which it is believed wise public policy to withhold timber from sale rather than to sell at the market values now obtainable. Dead, fire-damaged, insect-infested, or badly diseased timber, which can not be withheld from sale without serious or total loss, should be appraised with a more liberal allowance for risk and profit than in the case of green timber and may be sold for less than the established minimum prices.

##### **Rates for the More Valuable Commercial Species.**

Minimum rates on the more valuable commercial species in each district or portion of a district forming a distinct manufacturing region should represent the lowest price at which a legitimate market demand, as distinct from either speculative or forced sales, exists for such timber in the least accessible situations where it is now being cut in the district or region. The rates on such species will ordinarily not be less than \$1.50 per thousand board feet.

##### **Rates for Inferior Species.**

The minimum rates prescribed by the Forester for inferior species will be such rates as permit the practicable removal of these species, or such portions of them as it may be desirable to cut in accordance with the policy indicated under "Silvicultural and utilization requirements," in connection with logging the more valuable timbers. The lowest rate on green saw timber of any species, however, will be 50 cents per thousand board feet.

Minimum rates for inferior species will also be established by the district forester where such species comprise the greater part of stands whose cutting is not urgent for silvicultural or other reasons. As indicated under "Silvicultural and utilization requirements," it is the policy of the Service to cut no more of the inferior species under the low-market values now existing than is required by practical logging or silvicultural considerations. Minimum rates for chances of this character will be fixed, therefore, with a view to the market value of these species which can be anticipated when real demand for woods of their qualities exist. Such minimum rates will ordinarily not be less than \$1 per thousand board feet.

In sales in the sugar and yellow pine belt in California, for example, where the pines are the principal commercial species, such white or red fir as may be cut will be subject to the Forester's minimum. In sales in the fir belt, where the pines are relatively unimportant, the rates on white or red fir will be subject to the district forester's minimum, as defined above.

##### **Rates for Dead, Fire-damaged, Insect-infested, or Badly Diseased Timber.**

No minimum rates will apply in sales of dead, fire-damaged, insect-infested, or badly diseased timber. The full market value of such material will be obtained as far as practicable; but in case of rapid deterioration or threatened injury to adjoining timber it should be sold for the best price obtainable or disposed of under administrative or free use.



#### **Minimum Prices for Various Products.**

Minimum rates will be fixed for various products, such as railroad ties, telephone poles, shingle bolts, and mining timbers, as may be required to facilitate the sales business in the district. Otherwise minimum rates established for saw timber will govern other products in accordance with the approved ratio. Minimum rates may be further classified by grades of material as far as desirable in consideration of the forest or market conditions in each district or manufacturing region. Flat rates applicable to several species or classes of material should, for simplicity, be used wherever practicable.

### **PROCEDURE IN FIXING MINIMUM RATES.**

Minimum rates once established by the Forester will remain in effect until changed. Recommendations for changes in established rates, further classification of products and the like, may be submitted to the Forester by the district foresters as desired. Each district forester should, however, reconsider all the minimum rates in his district annually and submit recommendations to the Forester for any changes necessary in his judgment not later than May 1.

### **5. SIZE AND PERIOD OF SALES.**

#### **SIZE OF SALES.**

REG. S-5. Sales of timber in small quantities are preferred and will be encouraged by every means possible. In no instance will more timber be sold under one contract than is necessary to cover the cost of improvements which must be constructed and to permit logging under practical and economical conditions. Timber which can be practically logged in sales of 10,000,000 board feet or less will be reserved for operations of this size as far as such demand exists. Where the inaccessibility of the timber requires large investments for railroads or other improvements, enough stumpage may be contracted in one sale to justify the outlay for these purposes and permit an operation of practicable size.

#### **Time Limits.**

REG. S-6. The period allowed for the removal of the timber will be fixed in the agreement. In sales extending over two or more years the minimum amount to be removed each year, or other designated period, must be specified.

All contracts exceeding five years in duration must contain a provision for the reappraisal or readjustment of stumpage prices at intervals of not more than five years.

### **POLICY GOVERNING SIZE AND PERIOD OF TIMBER SALES.**

Timber which can be practicably disposed of under Class A, B, and C sales will be reserved for operations of that size as far as such demand exists. Sales requiring larger investments for improvements and the handling of more timber will ordinarily not exceed 75,000,000 feet in amount and five years for removal. Inaccessible timber which requires extensive improvements may be contracted in larger amounts sufficient to justify the investment necessary in each instance. The cutting period in such cases will be fixed in accordance with practical logging, manufacturing, and marketing conditions.

#### **Reserved Areas.**

Sale agreements may provide that in addition to the stumpage purchased a specified area will be reserved from sale until the termination of the contract and then appraised and advertised. The terms of purchase of such reserved areas are necessarily left to future determination by the Forest Service and will be subject to competitive bids in the regular manner. Agreements to reserve and subsequently offer for sale additional blocks of timber will be made

only in accordance with the plan of management adopted for the unit or watershed concerned. This method will be used wherever practicable in lieu of an initial contract for a larger amount. (See standard clause 5.)

#### Readjustment of Stumpage Prices.

Every contract exceeding five years will provide for the readjustment or reappraisal of stumpage prices. (See standard clauses 6 and 7.) Readjustments will ordinarily be made every three years, beginning with the commencement of the cutting period and exclusive of any preliminary period allowed for the construction of improvements. The readjustment period may be extended to four or five years with the approval of the Forester in the case of chances involving exceptionally large investments and unusual risks.

The reappraisal clause, No. 7, may be used when acceptable to purchasers or where it is practicable to make sales, as in the case of chances for which there is special demand, on this basis. Otherwise, and as the standard practice, the readjustment clause, No. 6, will be employed.

Clause A of the readjustment clause, based upon selected grades, should be used only where lumber grades and grade specifications are well standardized and not liable to change. Where such conditions exist, this form of the clause may be used in the discretion of the district forester. Otherwise clause B will be employed. In the latter a minimum grade should always be specified which represents the lowest class of material completely utilized under current manufacturing practice in the region. Grades but partially utilized or utilized only during favorable market conditions should be excluded. This is to prevent reductions in the average price upon which readjustments are based through increased production of low-grade lumber.

In the use of both forms of the readjustment clause it is essential to—

(1) Specify a manufacturing region cutting stumpage of generally similar quality, but particularly having the same shipping rates to principal consuming points and similar marketing conditions in other essential respects. This region may be defined by common tariff freight districts or like specific factors where desirable.

(2) Designate by date of last issue the specific grading rules or specifications upon which grade names are based.

(3) Define as specifically as possible the point in manufacture or marketing at which lumber values are taken and the elements entering therein, with reference particularly to trade discounts, underweights, etc. It will be the standard practice of the Service to take mill prices or prices at the nearest common carrier shipping points as far as practicable.

<sup>a</sup>The proportion of the increase in the average lumber value which may be added to the stumpage price will ordinarily be 50 per cent. A higher proportion not exceeding 75 per cent may be required where local logging or market conditions indicate that 50 per cent will not maintain stumpage rates in approximately their present relation to selling prices and cost of production.

Any special rates on minor products utilized at the option of the purchaser, which may be fixed by the Forester under clause 6, paragraph *g*, must be not less than the minimum price established by the initial or subsequent advertisement. (See also standard clauses 23 and 26.) It will therefore be desirable as a general rule in large sales to specify a low rate, 25 or 50 cents per thousand feet, in the advertisement for material below the sizes whose utilization is required, which may be removed at the option of the purchaser. (See under Advertisement, p. 34.)

Any contract exceeding 12 years in duration without provision for reappraisal and shorter contracts in regions where closer utilization of a character tending to increase stumpage values is probable within the life of the sale will contain standard clause 8. The purpose of this clause is to catch up an equitable part of the increased value of the manufactured product from a thousand board feet of logs due to closer utilization. It is not required except under the conditions stated.

#### Limits Upon Size and Period of Sales.

As a standard rule, cutting periods without provision for reappraisal will not exceed 12 years, and the amount of timber contracted will not exceed what

<sup>a</sup> Paragraph added; effective April 1, 1917.



may be practically removed in that time. Exceptions to this limit may be made in the case of very inaccessible areas with the approval of the Forester.

When the cost of improvements requires assurance that additional timber will be available—

(1) An additional block of stumpage may be reserved for subsequent appraisal and advertisement (see standard clause 5) ; or

(2) The sale contract may include a second block of stumpage with provision for its reappraisal by the Forester prior to cutting. (See standard clause 8.)

The first method is preferred, since it permits competition in the purchase of the second block. The second may be used when operators are unwilling to purchase under the first and there is no objection on the score of management or policy to the sale of a larger amount subject to reappraisal.

Under either method, the two blocks of timber should be defined as distinct areas, designated if possible on a map attached to the contract. (See standard clauses 1 and 8.) The depreciation of improvements logically available and necessary for both blocks should be prorated over the stumpage on both, but each area should otherwise be appraised separately. No minimum prices need be set on reserved areas. Minimum rates should, however, be specified in the initial advertisement and agreement for areas which are contracted subject to reappraisal.

#### **Stable Industries Encouraged.**

In the management of watersheds or other units the construction of new and competing mills will be encouraged to such a number as can operate for a reasonable period in accordance with prevailing standards in the industry. Private timber available for such plants, both as to situation and ownership, will be considered together with accessible National Forest stumpage. A number of small mills is always preferred to one or two large plants; and wherever the accessibility of the timber and other local physical conditions permit, the development of the industry by small or medium-sized operations will be encouraged.

#### **Reservations for Future Operation.**

As far as practicable, the rate at which timber is sold from any unit will insure a reasonable operating life for new mills constructed in connection with sales. Future sales to established mills can not be guaranteed, and National Forest timber will not be administered so as to give particular mills a monopoly; but the amount to be cut from year to year will be regulated so that established plants, if successful competitors for the timber offered, can be assured continued operation for reasonable periods.

#### **Provision for Local Needs.**

No sales will be made which endanger the future supply for local use or the maintenance of local industries.

#### **Additional Time for Construction of Improvements.**

In any sale contract the date when cutting shall begin should be set forward a sufficient period, not exceeding two years, for the construction of major improvements. (See standard clause 12.) The cutting period will begin and end on the dates named in the contract, however, regardless of the time actually required to complete improvements.

#### **Minimum Yearly or Periodic Cut.**

In contracts extending from two to five years, a minimum annual cut will be prescribed. In contracts for longer periods, the minimum cut will usually be specified by periods of two, three, or five years to give the purchaser greater leeway in adjusting his output to market conditions. (See section 3. Form 202.) The first period so specified will ordinarily consist of the preliminary period for construction of improvements and one operating year, in order to establish a definite requirement, however small, which must be met at the outset of the sale. The prescribed minimum cut should as a rule be small during the first part of the contract, particularly during the first year or period when the operation is getting under way, and gradually increase.

In large sales the period by which minimum cuts are prescribed should be of the same duration as the readjustment period, the respective series of periods corresponding whenever practicable.

## 6. EXAMINATION, APPRAISAL, AND CONTRACT CONDITIONS.

REG. S-7. Before any timber is advertised or sold it shall be examined and appraised and the cutting area described by legal subdivisions or otherwise. The examining officer shall report the quantity and appraised value of the various kinds of timber on the area and shall base his appraisal upon the character of the timber, the cost of logging, transportation and manufacture, the investment required, the degree of hazard entailed in the operation, and the sale value of the manufactured products at practicable markets. He shall also report the contract conditions necessary for silviculture, fire protection, utilization, and other National Forest interests.

### EXAMINATION OF SALE AREAS.

Sale areas will be examined upon the receipts of applications for the timber. As far as practicable, however, desirable areas of any size will be prepared for sale without application. This should be done in connection with reconnaissance, mapping, and estimating small areas by local forest officers and current administrative work. While applications for the purchase of particular tracts must always be given consideration, it is the duty of supervisors and rangers to ascertain the areas most in need of cutting, have them ready for sale, and direct applicants to them. Such information is the most essential part of the timber section of forest working plans and should be developed systematically by the local force at every opportunity. It is especially desirable to estimate and appraise considerable areas in the vicinity of local communities or where any constant local demand exists, sufficient to provide a number of small sales.

Sales will not be made without prior examination of the area. If the tract has been mapped and estimated previously, it will be necessary to establish the sale boundaries, appraise the value of the stumpage, and determine the contract provisions. A study of the character of the stand and amount of young growth should be made and reported with definite recommendations on marking, unless the method of cutting has been established previously for the type. If no map and estimate have been made, this work should be included in the sale examination, except as stated below.

Every proposed sale should be checked by the Forest working plan or other data previously obtained, as to the wisdom of a present sale in comparison with other areas more in need of cutting, the current silvicultural and utilization requirements, and other established methods and policies.

#### The Cutting Area.

Class A and B sales will usually be made by amount and restricted to the smallest area which will yield the quantity purchased under the method of cutting employed. (See standard clause 3.)

Larger sales should usually include all the designated timber upon a defined area established on the ground by natural boundaries or blazed lines. All classes of sales should be laid out so as not to leave small, inaccessible areas which will be unsalable after the surrounding timber is cut. Except when patented lands or claims form part of the boundary, sale areas should as far as possible be defined by topographic units conforming with natural logging chances. If only part of a natural logging chance is purchased, the sale boundaries will as far as practicable include timber of average accessibility and quality rather than the most desirable. This is particularly important in defining successive cutting areas on the same watershed or in the same locality; and wherever possible should be done in advance of application as part of the Forest working plan. In establishing the boundaries of cutting areas, particularly in large sales, care must be taken to exclude blocks adequate to supply local demands under commercial sales, sales at cost, or free use.



Where most of the timber on a large watershed is sold, certain timber being excluded from the sale area because of adverse logging conditions, such as steepness of slope or thinness or poor quality of the stand, it is desirable to specify in the contract that additional timber outside the boundaries so defined may be subsequently included in the sale by mutual agreement. This permits the extension of the sale boundaries as may be found practicable at any time during the contract. In such cases, the original sale boundaries should always be shown on a map attached to the contract; and all of the timber which may subsequently be added should be included in the original advertisement. (See standard clause 2.)

\* **Rights of Way.** (See also general statement, p. 7-A.)

Purchasers of National Forest timber will be expected ordinarily to obtain themselves rights of way over patented lands or unperfected claims needed in logging operations. Forest officers may aid purchasers by indicating to the land owner or claimant the interests of the Government and the community in the successful development of the logging operation. If, however, a land owner or claimant refuses the use of a right of way essential to the operations of a purchaser of timber, or will permit it only under exorbitant terms, the Forest Service may take action itself.

Rights of way may be acquired by lease from the owners of the land or by purchase or condemnation. In some circumstances the Government may be entitled to a way without payment. Every possible effort should be made to obtain voluntarily from land owners or claimants an easement covering necessary rights of way during the period required for logging operations rather than resort to legal proceedings. The latter will be instituted, however, by the Government when it is clear that a necessary right of way can not be obtained otherwise, or only on exorbitant terms.

Where rights of way required for the exploitation of National Forest timber under contract are obtained from landowners or claimants voluntarily, the lease or agreement should provide for payment of the rental or purchase price by the timber purchaser. When condemnation proceedings are necessary to obtain rights of way for timber under contract, the purchaser should be required to deposit in the cooperative fund for the protection and improvement of the National Forests a sufficient sum to pay all damages other than legal expenses; and payments to the owners of the land should be made from this fund. Only under exceptional conditions and with the approval of the Forester will action be taken to secure rights of way for the utilization of timber when payment therefor must be made from any Forest Service appropriation.

When the availability of a right of way is necessary to the consummation of a desirable sale or to the operation of timber under contract and arrangements for its lease or purchase from the owner of the land can not be made, the forest supervisor will report to the district forester with his recommendations the facts in the case, including the names of owners of the surrounding land and the dates of patents, and furnish a suitable topographic map on which are indicated reasonable ways of access. If the district assistant to the solicitor believes that the facts warrant action in the courts to establish a right of way, the district forester will forward the report with his recommendation to the Forester. Upon the approval of such action by the Forester and the solicitor, the institution of legal proceedings will be recommended. Before this is done, however, the district forester will inform the landowner in every instance that the courts will be asked to condemn the right of way, or establish it without cost to the Government according to the facts in the case. Where the facts are such as to entitle the Government to a reasonable way to and from its lands no payment therefor is required. If a given right of way is the most desirable, but the facts do not entitle the Government to it without cost, its lease or condemnation will involve payment of rental or damages.

Agreements with landowners for the use of rights of way will be prepared by the district assistant to the solicitor, and the legal sufficiency of their execution approved by him.

#### **Timber-Sale Maps.**

Maps are unnecessary in class A and B sales unless desired by the supervisor for Atlas data. Whenever such sales are made, however, the area will be indicated approximately on small-scale location maps in the supervisor's and ranger's records. Maps may also be omitted, in the discretion of the approving officer, in sales of dead timber. Other timber sale areas must be mapped at the time of examination if working plan maps are not available.

Sale maps must show the location of the cutting area with reference to the surrounding forest, important topographic features, such as ridges, streams, and roads, proposed roads, camps, or mill sites, patented lands or claims, and survey lines. Enough of the surrounding territory should be included to show the effect of the cutting upon the sale value of adjoining timber.

Within the sale area forest type will be shown and topography in sufficient detail to indicate ease or difficulty of logging and the boundaries of logging chances. Forest Atlas symbols and approved type legends will be used uniformly. Large tracts may require location maps on a small scale outlining the cutting area, giving the more important lines and location points and showing the other major features of the proposed sale. Such maps will be supplemented by detailed block maps on a larger scale. The proposed cutting area as estimated and recommended by the examining officer, must always be clearly defined, together with any portion of the entire tract for which there is a separate estimate, description, or important recommendation.

In large sales for which accurate maps have been made it will be the standard practice to attach a copy of the map to the contract as part of the sale agreement, on which the sale boundaries are shown and any other data of importance or value in the application of the contract requirements, such as agricultural areas which are to be cut clean, the order in which various logging units will be cut, location of fire lines, etc. (See standard clause 1.)

#### **Timber-Sale Estimates and Descriptions.**

Timber on sale areas will be estimated and reported on Form 578b in accordance with the instructions contained in the Manual on Timber Sale Practice. The estimate should always cover the specific cutting area recommended by the examining officer. Where a large area is cruised at one time, a separate estimate and report will be prepared for each natural logging chance. The report should give uniformly (1) the total estimated stand on the sale area or logging chance, and (2) the estimated amount to be cut under the methods of marking recommended. The latter figure should never be confused with the former and will be used in sale negotiations and in drafting the agreement. Differences between portions of the sale area which require different methods of cutting or separate appraisals should be clearly shown in the estimate and report. Separate estimates will be furnished for each distinct forest type on the sale area.

As far as practicable, estimates should indicate the proportion of various log or lumber grades or of various commercial products, such as ties, telephone poles, props, saw logs, cordwood, etc., and furnish any other data on the commercial character and quality of the stand necessary for accurate appraisal of stumpage prices.

Forest descriptions will not be required for class A and B sales unless desired by the supervisor for working-plan records. Otherwise a description of the sales, following Form 578a, will be included in the report unless the data have been obtained previously in connection with reconnaissance or sale examinations.

The common names of forest trees used in estimates, descriptions, and timber sale agreements will conform with the instructions on nomenclature under Forest Investigations.

#### **Stumpage Appraisals.**

No timber will be sold at prices less than the minimum rates fixed by the Forester without his approval in advance.

Stumpage rates will be determined in accordance with the instructions contained in the Manual on Stumpage Appraisals. Such rates should be actual market value of the timber, not simply the prices prevailing for stumpage on



private lands. They will be based upon the quality of the timber and character of its commercial products, the estimated cost of logging transportation, and manufacture, the investment required on the part of the operator, the selling value of the product and a fair profit to the purchaser. The estimated profit will depend upon the size and permanency of the operation and the degree of hazard attending it. The cost of brush disposal, protection of young growth, logging only marked timber and other requirements of the Forest Service will be fully considered in appraising stumpage rates.

<sup>a</sup> Stumpage rates will not be reduced on the ground that the methods of the individual purchaser are inefficient or utilization incomplete. Prices will, however, be fixed in accordance with the efficiency and operating methods of classes of purchasers, particularly small operators who supply local demands.

<sup>a</sup> In recommending prices for sales, whether commercial or noncommercial, in isolated regions where outside timber does not compete with National Forest timber, the cost of securing material from the nearest outside source will be reported, but the appraisal will be on a reasonable basis corresponding with the rates obtained for similar material in other portions of the National Forest district where competitive conditions exist.

<sup>a</sup> Merchantable dead timber will be appraised at the same rate as green timber of the same species unless it is clearly shown that the products manufactured from it command a lower market price or that logging costs are higher.

<sup>b</sup> Timber will ordinarily be appraised at the rates indicated for the most valuable products to which it is suited and for which an established market exists. Where there is no market for saw, tie, or pole timber, but a local demand exists for cordwood or other less valuable products, sales may be made at stumpage prices based upon the products actually marketable. Cutting under such sales should be restricted as far as practicable to dead and overmature timber and undesirable species, leaving the bulk of the thrifty saw, tie, or pole timber of the more valuable species. Sales to supply local needs for cordwood, etc., may be made similarly in regions where the cutting of more valuable products is in progress, but it is not practicable to supply the local requirements by utilizing inferior grades of material produced in such operations.

In sales at cost, the timber will not be appraised but will be priced at the uniform rates established for the region by the Secretary.

<sup>c</sup> As far as practicable, parts of sale areas which will be listed for homestead entry after the timber is cut should be designated on the ground before the stumpage is appraised or the terms of the agreement prepared.

<sup>c</sup> On areas which will be listed as chiefly valuable for agriculture after the removal of the present stand, the timber should be appraised with reference to the methods of cutting employed on them, allowance being made for the reduction in logging costs due to clean cutting and cheaper methods of slash disposal. (See p. 8.) The standards and requirements of the appraisal manual should be followed as strictly in determining the value of timber on agricultural lands as in other cases.

<sup>d</sup> Stumpage appraisals are required by law for the purpose of establishing prices at which National Forest timber will be advertised for sale. They are not guaranteed, and prospective purchasers should be informed that the Forest Service assumes no responsibility for their accuracy or for the success or failure of the operations of purchasers. It is expected that each applicant or bidder will make his own examination and estimate of logging costs and the quality of the timber, and will determine for himself whether he wishes to purchase the timber at or above the price at which it is offered for sale. By the execution of a sale contract the purchaser assumes full responsibility for the success of his operation under the prices and other conditions stated therein. The data in appraisal reports may be shown or furnished to prospective purchasers with a statement that the Forest Service will not be responsible for their accuracy.

<sup>a</sup> Paragraph modified; effective Jan. 1, 1916.

<sup>b</sup> Paragraph modified; effective July 1, 1915.

<sup>c</sup> Paragraph added; effective Oct. 1, 1915.

<sup>d</sup> Paragraph added; effective July 1, 1916.

Reference to standard clauses are modified; effective Oct. 1, 1918.

## CONTRACT CONDITIONS.

Following the examination of the sale area, the sample contract will be drafted by the examining officer or recommendations submitted for all of its more important provisions. These should be based on Form 202 and the standard clauses. Additional clauses for special local conditions may be used with the approval of the assistant to the solicitor. The following points should be noted particularly in addition to those discussed under "Size and period of sales," "Silvicultural and utilization requirements," "Bonds," and "Modification of agreements."

### Utilization of Various Products.

Every contract should contain exact specifications of the material whose utilization is required. Where more than one class of products is to be cut the material to be utilized for each should be definitely stated. (See clauses under heads "Logging" and "Scaling and merchantability," Form 202; also standard clauses 27 to 33.)

### Scaling.

It will be the standard practice of the Service to appraise the value of each product by common units of commercial usage, saw logs by the M board feet log scale, ties by the piece, poles by length and top diameter, mining timbers by the linear foot, etc. Contracts will provide for the scale, measurement, or count of the various products of the sale accordingly, defining exactly upon what basis payment for each product will be required. (See clause under head "Scaling," Form 202, and standard clause 40.) Standard clause 32 will be used regularly in sales which include cedar poles, and clause 49 in sales where cordwood is to be cut.

In small local sales scaling must be adapted to the reasonable requirements of the purchaser, and measures to promote economy in scaling enforced only as far as it may be practicable for the purchaser to conform with them. In larger sales the most economical plan of scaling should be carefully considered in drafting the contract. Standard clauses 44, 45, 46, 47, or 48 will ordinarily be used for this purpose, one of the last two being preferable because more specific in character. Clause 48 is desirable for large sales where operations will be conducted simultaneously over a considerable area. Clause 33 will be inserted as a rule in all contracts where cutting will be conducted simultaneously on Government and private lands. Scaling should be adapted as far as consistent with reasonable economy to the practical requirements and methods of operation. (See standard clause 45.)

In sales including dead and green timber at separate stumpage prices, the Service will not attempt to trace the logs from the tree to establish their character, but will classify them on the appearance of the log at the regular point of scaling. (See standard clause 51.)

### Disposal of Slash.

Where selection or other methods of partial cutting are employed, the standard requirement will be lopping and piling. (See standard clause 52.) This may be combined, as in standard clause 61, with lopping and scattering on portions of the sale area, on very dry sites where this method is a feature of the approved silvicultural practice. (See manual on timber sale practice.)

<sup>a</sup> Where the fire risk is not great and where such procedure is desirable for silvicultural reasons, piling and burning may be restricted to fire lines and lopping and scattering or top pulling permitted on the remainder of the area. (See standard clause 62.)

<sup>b</sup> Brush disposal will always be done by the purchaser or at his expense, except that if the burning of brush by a purchaser is impracticable, as in some very small sales, this part of the work may be done by the forest officer. If the piling of brush is necessary, the contract should require that this work be done by the purchaser unless more satisfactory results can be obtained if it is done by the Service at the purchaser's expense. Similarly, the labor for burning brush, whether in piles or broadcast and for other methods of disposal, will normally be supplied by the purchaser. All brush-disposal work, especially burn-

<sup>a</sup> Paragraph added; effective Oct. 1, 1915.

<sup>b</sup> Paragraph modified; effective Apr. 1, 1917. (20-S)

Reference to standard clauses are modified; effective Oct. 1, 1918.



ing, must be subject to such supervision as the forest officer in charge deems necessary. Immediate supervision should be given except when it is safe and desirable to leave burning to the purchaser, as when brush will be burned on snow as cutting progresses. In all sales where such action will reduce the cost of brush disposal to the Government, and will not delay burning, purchasers will be required to furnish the oil necessary. (See standard clause 55.)

<sup>a</sup> The act of August 11, 1916, made provision for the receipt and expenditure of funds deposited by purchasers to pay the cost of brush disposal on timber sale areas. Under this provision, the Service may undertake all or part of the work, the expense being met by contributions to the cooperative fund by the purchaser; but it will do so only in those cases in which it is evident that the result will be more satisfactory than if the purchaser does it. (See standard clause 56.) In most regions the Service will, as a rule, undertake only the burning of brush piled or otherwise prepared by the operator. The maximum liability of the operator for brush-disposal work by the Service, based upon the allowance for this item in the appraisal, will always be specified in the contract. If conditions are such as to make it uncertain whether brush disposal, in whole or in part, can best be done by the operator, the contract will provide for the assumption of this work by the Service if found necessary during the life of the agreement. (See standard clause 57.)

Broadcast burning will be done uniformly at the cost of the purchaser. Where burning in piles is required, contracts should specify always that the purchaser will furnish the necessary labor to work under the direction of the forest officer. Standard clause 55 will be regularly used to enforce this requirement. Clause 58 may be used wherever it is safe and desirable to leave this work to the purchaser without the immediate supervision of a forest officer.

<sup>b</sup> In all sales where such action will reduce the cost of brush disposal to the Government, and will not delay burning, purchasers will be required to furnish the oil necessary.

The term "brush" or "slash" should be defined in the contract wherever any question may arise as to just what material must be disposed of. This applies particularly to tie and other operations where chips and other special forms of débris are made on the ground. (See standard clause 63.)

#### Logging Improvements.

The examiner should fully consider the character and disposition of any logging improvements which may be required for the operation of the tract, and particularly their permanent value for the administration or development of the National Forest. It is the standard policy of the Service to permit the use of unmerchantable material without charge for improvements of any kind, together with merchantable material from species of inferior or relatively low value. <sup>c</sup> The species for which a charge will be made should be designated in the appropriate clause under the head "Occupancy and Improvements," Form 202. All material taken for improvements without charge must be left in place where used, either on National Forest or other lands, for such permanent benefit to the development and use of the Forest as it may afford.

Special clauses may be substituted for clause 18 in the contract providing for the free use of suitable material of any species for improvements, such as roads, bridges, and building, which will be of distinct and permanent value to the Forest. It should be required that such improvements will be left in place at the termination of the contract, in good repair, and that the purchaser's title or interest therein shall pass to the United States. Wherever desirable, such clauses should contain any specifications necessary, as to the size and structure of buildings, route, and character of roads, etc., to insure the permanent usefulness of the improvements to the United States.

#### Precautions Against Fire.

The enforcement of necessary precautions to prevent fire is one of the most important features of sale contracts. <sup>d</sup> The clause under the head "Fire Protection," Form 202, embodies the unvarying policy of the Service as regards assistance in preventing and extinguishing fires on the part of purchasers. In the blanks following line 6 of this clause should be entered a description of the

<sup>a</sup> Paragraph modified; effective Apr. 1, 1917.

<sup>b</sup> Paragraph added; effective Jan. 1, 1916.

<sup>c</sup> Sentence modified; effective July 1, 1915.

<sup>d</sup> Sentence modified; effective July 1, 1915.

Reference to standard clauses are modified; effective Oct. 1, 1918.

area wherein any fire, on which the patrol force requires help, is liable to threaten the timber covered by the sale. Topographic units are preferable for this purpose. In the absence of any topographic or other description more applicable from the standpoint of local fire danger the following may be used: "Within 2 miles of the exterior boundaries of this sale."

The maximum annual expenditure for unpaid fire-fighting services will be determined as 1 per cent of the total value of the timber included in the sale at the initial contract prices. This includes travel, subsistence, tools, and supplies, as well as wages.

The maximum number of men to be furnished, except in emergencies, will be fixed in accordance with the protection requirements of the Forest for a fire-fighting reserve under the specific local conditions in each case. It will ordinarily be not less than one-half of the usual force employed by the purchaser on the sale area, but should leave a sufficient organization to care for equipment and improvements, operate railroads, and keep up other parts of the business whose continuous operation is most essential.

The operation of steam locomotives or donkey engines in connection with any National Forest sale will not be permitted during the fire season unless oil is used for fuel or the boiler is equipped with an efficient type of spark arrester. (See standard clause 68.) Where oil can be obtained at practicable cost, the use of oil-burning locomotives exclusively during the fire season will be required. This requirement may be extended to donkey engines in the discretion of the district forester wherever reasonable in consideration of the types of equipment available and the current operating conditions in the industry. (See standard clause 70.)

Standard clause 67 will be a uniform requirement in contracts involving the construction and operation of logging railroads. Clause 72 will be uniformly required in contracts involving the use of donkey engines or other steam logging appliances. Clause 51 will also be a standard requirement where either steam locomotives or donkey engines are to be used.

Standard clauses 64 and 65 should be incorporated, as a general rule, in contracts involving the operation of logging railroads. Free transportation as specified in clause 65 does not apply to common carriers on which all forest officers will be required to furnish tickets or cash fares.

#### **Removal of Snags and Diseased Trees.**

The cutting of snags of a sufficient height to constitute a fire menace is a standard requirement in National Forest sales. (See standard clause 73.) Where the number of snags is large, this may be limited to a specified number per acre—averaged for the sale area—or by a maximum annual expenditure. (See standard clause 73.) In such cases the aim will be to concentrate the cutting of snags on strips or other areas where this form of protection is most urgent.

The cutting of diseased trees which are apparently unmerchantable will also be a standard feature of Service contracts, both to rid the forest of sources of infection and as a measure of close utilization. This requirement may also be limited as above where there is an excessive number of diseased trees on the sale area, or where, in introducing this feature of sale practice, it is desired to make it less burdensome until its cost and other effects upon the operation are known. (See standard clause 73.)

Standard clause 75 may be used in the case of either diseased trees where too numerous to be felled or large growth or reproduction of undesirable species which should be killed for silvicultural reasons.

#### **Removal of Insect-infested Timber.**

An extremely important feature of sale examinations is to determine whether there are active insect infestations on the area. Wherever such infestations occur, of whatever size, the contract should contain standard clause 74, in the absence of serious practical objections. Further specific clauses, based upon the results of insect-control operations, should be inserted in contracts for the sale of insect-infested timber or wherever necessary to check incipient infestations on the sale area. These will deal with the peeling of stumps and unused logs, the disposal of slash, the time of cutting, and other precautions in accordance with the species and nature of the infestation.



#### **Use of Railroads by Other Purchasers.**

Standard clause 80 or 81, will be inserted in every contract involving the construction of a railroad which should form the outlet for other timber than that included in the sale. Clause 80 is preferable, since it imposes less responsibility upon the Service in handling this phase of exploitation and involves less opportunity for friction, and will be used wherever possible. If applicants or purchasers object to its terms, however, clause 81 may be substituted. As indicated by the wording of the latter clause, its provisions are inapplicable to any portion of the railroad which becomes a common carrier while retaining that status.

#### **\* Sales of Rapidly Deteriorating Timber.**

Standard clause 4 may be inserted in agreements for sales of timber subject to rapid deterioration on account of damage by fire, insects, windthrow, etc., where it is anticipated that as the operation progresses there may be an insufficient quantity of merchantable timber on remaining logging units to permit a practicable operation. When the amount of merchantable material on each logging unit necessary to justify the investment required to log it can be determined in advance, substitute wording is provided and should be used. If this can be decided only at the time of cutting, substitute wording should be omitted. These clauses should not be used in sales consisting mainly of living timber unless they contain definitely described bodies of rapidly deteriorating timber, to which exclusively the above principles are applicable.

Where clause 4 is used, page 1 of Form 202 should be changed by substituting "certain fire-killed and fire-damaged timber" or "certain insect-killed and insect-damaged timber," as the case may be, for "all the dead timber standing or down and all the living timber."

<sup>b</sup> In sales where the rate of deterioration is uncertain, and consequently the total amount of timber which may be removed is doubtful, clause 13 should be used instead of specifying periodic cuts in the agreement. At the time the agreement is signed, the minimum cut for the first period of the sale will be specified in a letter from the proper forest officer to the purchaser and promise cards made for further notifications.

#### **Sale of Certain Products to Other Purchasers.**

Standard clause 83 should be used, as a general rule, in contracts of five years' duration or longer, and in shorter contracts at the discretion of the approving officer, where complete use of all commercial products is not now possible or the utilization of certain products is made optional with the purchaser. It is the policy of the Service to give the purchaser preference in the sale of such products as far as he elects to utilize them, whether under an option conveyed by the contract or by subsequent application for special rates thereon.

Standard clause 84 will be incorporated in all contracts of five years' duration or longer, which include longleaf, slash, western yellow, Jeffrey, or pison pine. It need not be required in the case of other species.

#### **Explanation of Requirements to Purchasers.**

Forest officers will take the fullest pains to explain to applicants or prospective purchasers the requirements of sale contracts. Wherever possible this should be done on the area itself in connection with the discussion of the terms of sale. The forest officer who prepares the sample agreement will be responsible for a clear understanding of its terms and requirements by the applicant, but purchasers should not be assured that the terms of sale will be approved prior to actual approval by the authorized officer.

Sample agreements drafted in the progress of negotiations should conform as exactly as possible with the probable form and terms of the final contract, in order that purchasers may fully understand from the outset the conditions of the sale.

### **SPECIAL CLAUSES FOR TIMBER SALE AGREEMENTS.**

The following standard clauses may be used when required to supplement those printed on Form 202:

#### **Sale Area.**

1. As definitely designated on the attached map which is hereby made a part of this agreement.

[To be added at the end of the description of the sale area.]

<sup>a</sup> Instructions added; effective July 1, 1915.

<sup>b</sup> Paragraph added; effective Apr. 1, 1916.

2. *Provided*, That additional timber outside the area as designated on the attached map and within the watershed named above may be included in this sale by mutual agreement between the purchaser and the (district forester or forest supervisor), such additional timber to be paid for at the current rates fixed in accordance with the terms of this agreement.

[To be added at the end of the description of the sale area and of clause 1 above. It is applicable only if the appraisal indicates optional areas outside the sale boundaries and within the logical logging unit, and if the advertisement has included these optional areas.]

3. Cutting shall begin at a point to be designated by the forest officer in charge and shall be confined to the least possible area which will yield the amount specified in this agreement.

[For use in sales for specified amounts rather than for all the timber on a stated area.]

4. The purchaser shall not be required to cut or remove timber killed or damaged by (*name cause as fire, or insects*), from any logging unit or portion of a logging unit on the sale area which in the judgment of the forest supervisor contains at the time it is reached for cutting an insufficient quantity of merchantable timber to permit a practicable operation: (*or which as determined by the forest supervisor at the time it is reached for cutting, contains an average of less than ----- board feet per acre:*) *Provided*, That the purchaser has cut the minimum amount required to be cut periodically in accordance with Section ----- of this agreement.

[For use only in contracts for the sale of rapidly deteriorating timber.]

#### Reservation and Subsequent Appraisal of Additional Blocks.

5. It is further agreed that the National Forest timber located on an area of about ----- acres in approximately (*insert township description, surveyed or unsurveyed*) on the watershed of -----, estimated to cut ----- M board feet of (*insert names of species*) -----

-----  
more or less, shall, except in case of serious deterioration from fire, insects, or similar causes, be reserved from sale by the United States until and not later than (*name date approximately six months in advance of anticipated completion of cutting on area purchased*), and that on (*insert same date*), or at least six months prior to the completion of cutting on the area covered by this agreement the Forester shall appraise and advertise the block of timber above defined for purchase under sealed bids, at such minimum prices and under such conditions and requirements as he shall deem necessary.

#### Readjustment and Reappraisal of Stumpage Prices.

6. *Readjustment on average lumber value, clauses A and B (to follow the first printed paragraph of section 2 on Form 202).*

For all timber cut prior to (*date of first readjustment*) at the rate of -----

-----  
For all timber cut on or after (*date of first readjustment*) and prior to (*date of second adjustment*) at such rates as shall be designated by the Forester within thirty days preceding (*date of first readjustment*):

For all timber cut on or after (*date of second readjustment*) and prior to (*date of third readjustment*) at such rates as shall be designated by the Forester within thirty days preceding (*date of second readjustment*).

\* \* \* \* \*

And for all timber cut on or after (*date of last readjustment*) at such rates as shall be designated by the Forester within thirty days preceding that date.

(*Make readjustment dates April 1 or October 1 in each case.*)

(a) The rates designated by the Forester on each of the foregoing dates shall be fixed in consideration of current operating conditions and markets in the ----- region, including the operation of the purchaser; but any increase in the rate for any species fixed on any date over the rate for such species given above shall not exceed ----- per cent of the increase in the average lumber value of such species during the three years preceding as compared with the average lumber value specified herein.

(*See page 24. Also clause No. 7.*)



(b) For the purposes of this contract it is agreed that the average lumber value per thousand feet board measure of timber similar to that included in this sale, at the date of execution hereof, in the ----- region—

(A)

Is fixed for different species by the following grades, prices, and weights, such grades being as now defined in the grading rules of the -----

issued on -----  
a copy of which has been placed on file with the Forest Service and is made a part of this contract:

Species.

Grade, name, and dimensions at \$----- per M feet. -----

Weight points----- \$-----

-----

----- \$-----

-----

----- \$-----

\* \* \* \* \*

Average lumber value----- \$-----

The purchaser hereby agrees to furnish upon request of the district forester a statement—

(A)

Of the amount of lumber by species in the grades of the -----

as specified above, with prevailing prices for each designated grade—

(B)

Is as follows for (*Define minimum grade used in making up average value, as:* "No. 4 common in widths of 6 inches and more, as defined by the grading rules of the Western Pine Manufacturers' Association, issued January 1, 1913, a copy of which has been placed on file with the Forest Service and is made a part of this contract") and better grades of rough and finished lumber, not including factory products of lumber:

Species,----- \$-----

Species,----- \$-----

\* \* \* \* \*

(B)

Of the amount and average value of (*specify minimum grade*) as defined by the grading rules of the -----, issued ----- and better grades of rough and finished lumber, not including factory products of lumber, which he has—

produced in his operation on the sale area and on lands bearing similar timber during the three calendar years (*or if the readjustments are made on October 1, the three years from July 1 to June 30*) preceding each of the dates above specified for readjustment of stumpage prices.

(c) The Forester shall ascertain the average lumber value per thousand feet board measure of each species, for timber of similar quality, prevailing during the three calendar years (*or the three years from July 1 to June 30*) preceding each of the dates above specified for readjustment of stumpage prices. Such average lumber value shall be obtained—

(A)

By use of the grades and weights specified above and prevailing prices for each designated grade.

(B)

For all grades of rough and surfaced lumber equivalent to or better than ----- as defined above, consideration being given to the grades actually produced from the timber included in this sale and prevailing selling prices by grades obtained in efficient operations in the region described above, including that of the purchaser.

If the designation or specifications of any lumber grade named in this section are changed prior to any readjustment date, or in case of any question affecting such grades or specifications, the Forester shall determine upon an equitable basis and employ in establishing the average lumber value as contemplated by this section the current grades or specifications which conform most closely with those designated herein and which most truly represent such average lumber value.

(d) Any grade or other prices used by the Forester to determine the average lumber value of any species shall be *(insert specific definition of point in manufacture or marketing at which prices will be taken, as: sawmill shipping prices f. o. b. cars in the ----- region at actual shipping weights and without discounts; or, at standard shipping weights if underweights are to be included in mill prices; or, prices f. o. b. cars at main-line railway shipping points; or, wholesale prices obtained in actual sales in the ----- market, if wholesale market prices are to be employed).*

But in case of any question as to what prices shall be used or what items of cost or return shall be considered therein, the Forester shall determine upon and use such prices as will, in his judgment, upon an equitable basis, establish the average lumber value of the species as contemplated by this section.

(e) If any material cut under this agreement and merchantable under its terms is manufactured or sold by the purchaser in other forms than those specified herein, the Forester may upon the next readjustment date establish a special stumpage rate for each class of material so manufactured or sold during the succeeding period, which rate, in accordance, with the ratio per thousand board feet currently used by the Forest Service, shall be not less than the initial stumpage price fixed herein and shall allow the purchaser an equitable profit under current selling prices and costs of production in the region defined above.

*(Add, if special rate for unmerchantable material has been included in advertisement and in agreement:*

The Forester may readjust on an equitable basis, on the dates designated above for readjustment of stumpage prices, the rates specified herein for material unmerchantable under the terms of this agreement.)

The purchaser hereby agrees to furnish upon request of the district forester a statement, by species, of the amount, grade (if any), and value received for each class of material cut under this agreement and manufactured or sold by him in other forms than those specified in paragraph (b) of this clause.

(f) It is further agreed that the Secretary of Agriculture will, upon written application from the purchaser showing good and sufficient reasons therefor and specifically the existence of a serious emergency arising from changes in market conditions since the last readjustment, at his option, when action of either character is necessary to relieve the purchaser from hardship, either—

(1) Redetermine and establish the stumpage rates and designate a date when the rates as redetermined shall be effective, which date shall be within six months of the date of application; or

(2) Grant an extension of time within which the respective amounts of timber specified in section ----- shall be removed, not to exceed the total period allowed for cutting all the timber.

Any stumpage rates readjusted upon application to the Secretary shall be determined in accordance with the methods and under the terms above set forth, except as to the time for which average lumber values are taken, and shall apply only during the remainder of the ----- year period then current, when the rates shall be regularly readjusted.

(g) In no event, however, shall the stumpage rates for products from material whose utilization is required by this agreement as established upon any date above named, or upon application from the purchaser, be less than those specified herein to be paid for timber cut prior to *(date of first readjustment).*

(h) It is further agreed that at the date of any readjustment of stumpage prices the Forester may require such modifications in the sections numbered *(specify sections of contract dealing with marking, utilization, and protection)* in this agreement as are necessary, in his judgment, to protect the interests of the United States. Such modifications shall be limited to requirements contained in current timber sale contracts in *(name of State or district)*, and shall



be practicable under the existing equipment and organization of the purchaser. Any additional operating costs entailed by such modifications, as ascertained by the Forester, shall be taken into consideration as a factor in arriving at a readjustment of the stumpage prices.

*Reappraisal throughout contract period.*

7. [For paragraphs (a) to (d), inclusive, in clause 6, substitute the following:]

The Forester shall reappraise and within thirty days before each of the foregoing dates designate the value of each species in consideration of current operating conditions and markets in the ---- region, including the operation of the purchaser, such reappraisals to include the timber on the entire tract, and to be based upon an equitable profit to the purchaser under the operating conditions prevailing throughout the region.

[In the subsequent paragraphs of clause 6 change "readjust" to "determine by reappraisal," and "readjustment" to "reappraisal" in paragraph (e), in the first sentence of paragraph (f) and in the first sentence of paragraph (h). Omit the second paragraph of the text under (e). In the last sentence of paragraph (f) change the first "readjusted" to "redetermined" and the second to "designated after reappraisal." and omit "except as to the time for which average lumber values are taken." In the last sentence of paragraph (h) change "arriving at a readjustment of stumpage prices" to "reappraisals."]

*Readjustment for portion of timber and reappraised for remainder.*

8. [Modify initial paragraphs of sale agreement to read:]

1. \* \* \* located on two areas described as follows and specifically designated "1" and "2" on the attached map, which is hereby made a part of this agreement.

(1) An area of about ----- acres, in Ts. ----- (state whether surveyed or unsurveyed), on the watersheds of (as detailed description as necessary to fix area definitely) -----  
in the ----- National Forest.

(2) An area of about ----- acres, in Ts. ----- (state whether surveyed or unsurveyed), on the watersheds of (as detailed description as necessary to fix area definitely) in the ----- National Forest.

Provided, That additional timber outside the boundaries of either of the two areas as designated on the attached map and within the watersheds containing such areas may be included in this sale by mutual agreement between the purchaser and the district forester, such additional timber to be paid for at the rates then current for the area in question.

It is agreed that logging on area No. 1, the first above described, shall be completed before logging on the second area is begun.

The estimated amount to be cut on the first described area under the methods of marking defined in section ---- is:

2. AREA No. 1. \* \* \* to be placed to the credit of the United States, for the timber on Area No. 1 at the following rates: (continue with standard cause 6).

(Add, after (h) of clause 6, the following:)

AREA No. 2. I (or we) do further agree to pay for all timber cut on Area No. 2, as described in section 1 of this agreement, not less than (give initial rates) or at such higher rates as may be designated by the Forester, and to conduct the cutting in accordance with the conditions which he may require, it being agreed that on (date of reappraisal), or such earlier date as may be required to antedate the cutting of timber on Area No. 2, the Forester shall reappraise and designate the value of each species on such area in consideration of current operating conditions and markets in the ----- region, such appraisal to be based upon an equitable profit to the purchaser under the operating conditions prevailing throughout the region; and the Forester shall define and establish the conditions of payment for the timber on such area in accordance with the current requirements of the Forest Service: *Provided*, That subsequent readjustments or reappraisals of stumpage rates shall not be made at intervals of less than three years.

9. When readjustment is to include by-products.

If at any readjustment date lumber below the grade of (*lowest grade now commonly manufactured*), as defined by the grading rules specified above, shall have an established market value or if other material from the log not utilized at the date hereof shall be manufactured into products having an established market value, the Forester may in redetermining the stumpage rates add to the initial stumpage price an equitable portion, not to exceed ----- per cent, of the difference between the selling price of the amount of such lumber or other products obtained per 1,000 board feet, log scale, and the cost of producing such lumber or other products, not including the usual costs per 1,000 board feet, log scale, of producing lumber of the above grade and better grades.

[To be added to (e) of clause 6.]

10. Readjustment of prices for telephone poles on average market value.

[Modify last part of (a) in clause 6 to read:]

Any increase in the pole rates fixed on any date over the rates for similar sizes given above shall not exceed ----- per cent of the increase in the average market value of cedar poles during the three years preceding as compared with the average value specified herein, such increase to be applicable to poles of all sizes included in this agreement.

[For (b) in clause 6 above substitute:]

It is agreed that the average market price of cedar-pole timber similar to that included in this sale f. o. b. cars at common-rate shipping points in the ----- region, is \$----- each, determined from prices and proportions of the various sizes as follows:

----- per cent ----- feet ----- inches, at \$-----.  
----- per cent ----- feet ----- inches, at \$-----.  
----- per cent ----- feet ----- inches, at \$-----.

[For (c) in clause 6 above substitute:]

The Forester shall ascertain the average market value of cedar pole timber of similar quality prevailing during the three calendar years (*or during the three years from July 1 to June 30*) preceding each of the dates above specified for readjustment of stumpage prices by use of the sizes and per cents specified above and prevailing prices for each designated size.

[For (d) in clause 6 above substitute:]

Any prices used by the Forester to determine the average market value of cedar poles shall be (*insert specific definition, as prices at which poles are sold to consumers f. o. b. cars at common-rate shipping points in the ----- region*).

Payment for Unmerchantable Material.

11. For any material unmerchantable under the terms of this agreement for which payment is required, to be cut and removed only at the option of the purchaser, \$----- per -----.

[For use as part of section 2 of Form 202 when it is probable that closer utilization will become practicable before the agreement expires and a special rate for unmerchantable material has been given in the advertisement. (See clauses Nos. 6, paragraph (e), 23 and 26.)]

Cutting Period.

12. The cutting and removal of timber under this agreement shall begin not later than ----- and -----.

[To be prefixed to section 3 of Form 202. The date for beginning cutting should allow a reasonable period for the construction of improvements.]

13. Unless extension of time is granted all timber shall be cut and removed and the requirements of this agreement satisfied on or before ----- Cutting shall begin not later than -----, and shall be conducted with reasonable diligence. In order to prevent unnecessary loss of merchantable timber through deterioration, the purchaser shall cut such amounts of timber, or the timber from such areas, during such periods, as may from time to time be specified in writing, in advance, by the district forester (*or forest supervisor*).

[For use only in sales of rapidly deteriorating timber. If used it replaces section 3 of Form 202.]

Timber Reserved in Marking.

14. Not less than ----- per cent by volume of the total stand of merchantable live timber in (*name species if necessary*) trees ----- inches and over



in diameter at a point  $4\frac{1}{2}$  feet above the ground on the areas designated for cutting by the forest officers shall be marked by blazing below stump height (add if desirable and at about breast height) and by stamping "U.S." on the blaze. The system of marking has been indicated by sample marking examined and accepted by the purchaser, on the area covered by this agreement, and future marking shall follow the methods and principles so exemplified, subject to the volume limitation named above. Merchantable dead timber on such designated areas shall be cut whether marked or not marked.

[Standard clause for selection or partial cutting. The second sentence may be omitted if the purchaser is thoroughly familiar, from having made previous purchases in similar timber, with the marking methods which are to be followed.]

15. The exterior boundaries of the sale area shall be marked and all seed trees and groups of seed trees which are reserved from cutting shall be designated. Groups of trees or single trees may be reserved for seed wherever it may be deemed necessary by the forest officer in charge; *Provided*, That not more than ----- per cent of the total merchantable volume on the sale area in trees ----- inches or more in diameter at  $4\frac{1}{2}$  feet from the ground shall be so reserved. All other merchantable timber shall be cut.

[Standard clause for clean cutting with the reservation of seed trees or groups.]

16. On land designated by the forest officer as agricultural land all timber merchantable under the terms of this agreement shall be cut, except small patches of material suitable for farm improvements, which may be reserved in the discretion of the forest officer in charge. So far as practicable and as agreed with the forest officer in charge, logging shall be completed on "agricultural" areas before it is begun on other areas.

[Standard clause for clean cutting on agricultural lands.]

17. On approximately ----- per cent of the sale area, the timber will be designated for clean cutting, and on such areas all merchantable trees shall be cut: *Provided*, That the forest officer in charge may designate small patches of timber suitable for farm improvements, which shall be reserved. On the remainder of the sale area (*continue with standard clause 14*).

[Standard clause for combined clean cutting and selection cuttings in sales involving agricultural lands.]

18. Not less than ----- per cent, by volume, of the total stand of merchantable live (*name better species*) on the sale area shall be marked or designated for cutting; and a maximum of not more than ----- per cent of the total cut of all species may be required to be of (*name inferior species*): including in each case trees ----- inches and over in diameter at the point  $4\frac{1}{2}$  feet from the ground. The cutting and removal of (*name inferior species*) in excess of ----- per cent of the total cut shall be optional with the purchaser, but any timber so cut shall be marked or designated in advance by the forest officer in charge, and a maximum of ----- per cent by volume of these species may be reserved in the discretion of the forest officer in charge.

[Standard clause for sales in which the taking of inferior species is largely optional with the purchaser.]

#### Reservation for Scenic or Recreational Purposes.

19. No timber shall be marked or designated for cutting within ----- feet of ----- (*name lake, stream, road, or recreational area as the shore line of Shawnee Lake*).

20. Within a strip ----- in width on either side of any public highway (or the main road from ----- to -----) within the sale area, no trees shall be marked for cutting except those which, in the judgment of the forest officer in charge, should be cut on account of disease, insect attack or overmaturity.

#### Protection of Living Trees.

21. Main line rigging shall not be slung on unmarked trees unless unavoidable. All other rigging shall also be slung on stumps or marked trees as far as practicable. When it is necessary to use unmarked trees, straps adjusted in a manner satisfactory to the forest officer in charge shall be used and proper bushing shall be placed under each strap to prevent damage.

[Standard clause for contracts permitting donkey logging without clear cutting.]

22. In defining choppers strips, living trees shall not be blazed or otherwise injured.

[Standard clause for mining timber or hewn tie contracts without clear cutting.]

#### Use of Minor Products.

23. Material unmerchantable under the terms of this agreement may be removed at the option of the purchaser subject to the charge specified herein for all or part of such material at the discretion of the district forester. Such material for which payment is required shall be scaled, measured or counted as the district forester shall prescribe and where necessary converted into board measure, log scale, by a ratio conforming with the current practice of the Forest Service.

[For use if it is probable that closer utilization will become practicable before the contract expires. If a special rate for unmerchantable material has been named in the advertisement and agreement the first sentence should end with the words "at the option of the purchaser." See clause 11.]

24. At least ----- linear feet (*or other unit*) of tops under ----- inches in diameter at the large end shall be paid for, cut, and removed annually, but this requirement may be waived by the district forester as to any specified year, in whole or in part, upon satisfactory showing from the purchaser that such material can not be marketed at a reasonable profit.

[For use where there is but a limited market for certain classes of small material.]

25. Material under ----- inches in diameter at the large end may be removed at the option of the purchaser but any material taken shall be paid for at the rate of ----- per (100 linear feet *or* M board feet).

[For use if there is no certain market for products cut from small material. The rate should be that named in the advertisement if a special rate has been named or the equivalent of the advertised price for other material if no provision has been made for a special rate.]

26. Any or all material, in marked or designated trees, suitable for (*name minor products such as mine timbers or cordwood*) or any other product but unmerchantable under the terms of this agreement for (*name major products such as sawlogs or hewn railroad ties*) may be cut and removed under this agreement at the option of the purchaser: *Provided*, That any material taken under this option shall be paid for at the rate or rates hereinafter named: *And Provided Further*, That prior to written notice to the forest supervisor of an intention to exercise this right, the United States shall have the right to sell to others any of the material included in this option.

[Insert if desirable the following at the end of the first proviso: "*And Provided Further*, That no material which in the judgment of the forest officer in charge is suitable for products of greater stumpage value under the terms of this agreement shall be cut into (*specify the products of lower stumpage value*)."]

This clause may be used if the optional timber forms an important part of the sale or if this form of agreement is desired by local forest officers. If used, it should be inserted as part of section 1 of Form 202. The following should be added under the heading "Payments" in section 2 of Form 202:

For material taken under the option aforesaid:

For -----, ----- per (linear foot, cord *or other unit*).

For any other material taken under the said option at such rates as may be established by the district forester in accordance with the ratios of volumes in current use by the Forest Service, such rates to be equivalent to \$----- per M feet B. M.]

#### Use of Timber for Most Valuable Products.

27. All timber shall be cut into the products of greatest stumpage value under the terms of this agreement for which it is suitable in accordance with the judgment of the forest officer in charge, and whether so utilized or not shall be scaled, measured or counted and paid for as such products.

[For use in all sales involving products of varying stumpage value.]



28. Any material larger than ----- inches at the large end shall be scaled, measured or counted according to the product of greatest stumpage value for which it is suitable in the judgment of the forest officer in charge.

29. All marked trees shall be utilized for the production of as many hewed ----- foot ties as can be cut from the portion of the stem above ----- inches in diameter.

[For use if ties are to be cut but not sawlogs. It permits waste of less than a tie length at the butt instead of at the top.]

30. If any timber partly or wholly suitable for hewn ties, in the judgment of the forest officer in charge, is cut and removed without hewing, the forest officer shall determine the number of ties that could have been hewed from the portion between ----- inches and ----- inches inclusive in diameter; inside bark and payment therefor shall be made at the tie rate.

[For use if the tie rate is higher than the saw-timber rate.]

31. Hewn ties whose widest diameter inside the bark at the small end exceeds ----- inches shall be scaled as sawlogs on the widest measurement at the small end of the tie.

[For use if the saw-timber rate is higher than the tie rate.]

32. Cedar shall be so utilized as to produce, in the judgment of the forest officer in charge, material of the greatest stumpage value under the terms of this agreement: *Provided*, That cedar poles need not be cut longer than ----- feet except at the option of the purchaser. Any pieces over ----- feet in length and suitable for poles (*or piling*) under the specifications of the ----- Association in effect on (*or issued on*) ----- shall be measured and paid for as poles (*or piling*).

[Standard clause for contracts which include cedar products. If necessary, definitions for poles or piling may be added. See clause 39 for trimming allowance.]

33. Cedar logs having a top diameter of ----- inches or more and ----- per cent clear surface shall be scaled (*or measured*) and paid for as shingle bolt material.

[For use in contracts including cedar products if the rate for shingle bolts is higher than for sawtimber.]

#### Use of Defective Trees.

34. Any tree which in the judgment of the forest officer in charge contains one or more logs (*specify other products if necessary*) merchantable under the terms of this agreement may be marked or designated for cutting.

[For use if desired as a substitute for the printed paragraph of section 5, Form 202.]

#### Miscellaneous Utilization Clauses.

35. Wood taken from tops or unmerchantable timber for use as fuel in connection with logging operations shall be allowed free of charge.

36. All stumps shall be cut so as to cause the least practicable waste and not higher than ----- inches on the side adjacent to the highest ground, with the exception of swell-budded (*name species*), which may be cut not higher than ----- inches on the side adjacent to the highest ground. These heights may be exceeded in unusual cases if in the judgment of the forest officer in charge they are not practicable.

[To be substituted for the corresponding wording in section 11 of Form 202 if exceptions are necessary in the case of particular species.]

37. (*Name species as Larch*) may be long butted sufficiently to remove the root swelling.

38. Trees may be long butted sufficiently to remove material unmerchantable under the terms of this agreement for (*name products*). If required by the forest officer in charge cuts shall be made in lengths of ----- feet and if suitable in his judgment shall be worked into (*name product as acidwood, cordwood, or shingle bolts*).

[This clause should be used in full if the purchaser is required to use the by-product. Otherwise only the first sentence will be used.]

39. Upon all (*name product as cedar poles*) 1 inch for each ----- feet in length shall be allowed for trimming; (*name product*) overrunning this allow-

ance shall be measured not to exceed the next standard length for this material.

[The usual allowance for trimming cedar poles is 1 inch for each 5 feet in length.]

#### Scaling and Measurement of Various Products.

40. Hewn railroad ties and (*name any other material sold at piece rates*) shall be counted. (*Name material as props, posts, mine ties*) and other material too small for sawtimber, ties or (*name other products as before*) shall be measured by the linear foot (*add if no rate per linear foot is named in the agreement* and ----- linear feet shall be considered equivalent to 1,000 board feet); *Provided*, That any material having a larger diameter than ----- inches inside bark at the large end shall in the discretion of the forest officer in charge be scaled, measured, or counted as the product for which it is best adapted in his judgment and shall be paid for at the rates specified in this agreement for such product.

[For use after the printed wording in section 12 on Form 202.]

41. Sawlogs (*name other forms of material if desirable*) shall be scaled in cubic feet based on the middle diameter of the log inside bark taken to the nearest inch and the length of the log taken to the nearest foot.

[For use if the unit of measure is the cubic foot instead of the Scribner Decimal C log rule. If used, it replaces the corresponding wording in section 12 on Form 202.]

42. Tanbark shall be weighed in tons of ----- pounds on the nearest available scales under the supervision of the forest officer in charge; *Provided*, That the forest officer in charge shall have inspected said scales and shall have agreed to their use for this purpose.

[The long ton of 2,240 pounds is ordinarily used in weighing tanbark. If required by the wording of the agreement, conversion of tons into cords may be provided for, the usual ratio being one long ton to the cord.]

#### Economy in Scaling.

43. Logging operations shall be so conducted as to permit scaling to be done economically, and timber or logs from private or State land shall not be mixed at the point of scaling with timber or logs from Government land. (*Add if desirable* and timber or logs cut under this agreement shall not be mixed before scaling with timber or logs cut under any other sale agreement.)

44. Sawlogs, ties, and other material cut under this agreement shall be piled or otherwise arranged for scaling in the manner and at such places as the forest officer in charge shall direct. If required, the length of each log shall be plainly marked on the small end by the purchaser with other than black crayon.

45. Logs shall be arranged for scaling in connection with the use of any loading device in accordance with the directions of the forest officer in charge, in the manner most practicable for the purchaser consistent with economic scaling by forest officers.

46. Scaling shall be done as often as practicable in the judgment of the forest officer in charge while cutting is in progress.

47. Scaling shall be done as often as a minimum of ----- feet B. M. of logs (*add if necessary* or an equivalent amount of material of all kinds) are assembled and arranged for this purpose. (*Add in large sales: on any unit of the sale area which requires the services of one scaler, in the judgment of the forest officer in charge.*)

48. A Forest Service scaler shall be employed continuously while logging is in progress at the rate of not less than ----- feet B. M. daily. (*In large sales, "A Forest Service scaler shall be employed continuously on each unit of the sale area requiring the services of one man while logging is in progress at the rate of not less than ----- feet B. M. daily." Substitute weekly or monthly for daily if desirable.*)

49. Cordwood shall be piled in compact, even stacks for measurement, as directed by the forest officer in charge.

50. On request, copies or abstracts of the scale reports will be furnished to the purchaser after they have been approved by the supervisor.

[This clause may be used as a separate section or as part of any section under "Scaling."]



**Distinguishing Green from Dead Timber in Scaling.**

51. The forest officer shall distinguish green from dead timber at the time of measurement or scaling on the appearance of the piece and without reference to the bearing of green branches by the tree from which the piece was cut.

**Disposal of Slash.**

52. The tops of all trees felled (*add whether merchantable or unmerchantable if clause 73 or a similar clause is included in the agreement*) shall be lopped and all brush and slash piled compactly as required by the forest officer in charge. The brush piles shall be so placed that they may be burned with the least possible damage to standing trees and young growth.

[Standard clause for brush piling if uncut timber is to be saved. If the killing of undesirable species is desired and has been authorized, substitute for the last sentence the following: "So far as practicable, brush piles shall be so placed that as many (*name species*) as possible will be killed in burning." See also clauses 63 and 75.]

53. Fire lines not to exceed ----- feet wide extending around the exterior boundaries of all clean-cut areas and interior seed blocks and strips shall be constructed by the purchaser as directed by the forest officer in charge. On such fire lines all designated living trees and all dead trees shall be felled and all inflammable material including brush, reproduction and debris shall be piled and burned by the purchaser under the direction of the forest officer in charge. Where deemed necessary in the judgment of the forest officer in charge a trail not to exceed ----- feet in width cut to mineral soil shall be cleared on the exterior edge of the fire lines. Similar fire lines shall be constructed in such places as the forest officer in charge may direct to break up the cut-over area into suitable units for slash burning. The fire lines shall be cleared as logging progresses and shall be completed as to any portion of the cut-over area before the logging equipment is removed from said area. Where creeks are used as fire lines, logs, brush and debris sufficient in the judgment of the forest officer in charge to cause a fire danger shall be removed from the channels so used. (*If single seed trees are to be left for seed, add* The ground shall be cleared of all slash and debris for a distance of ----- feet around the base of any single tree left for seed.)

[Standard clause for the construction of fire lines preparatory to broadcast burning. This clause should be followed by clause 55, 56, or 60.]

54. Upon agricultural areas as determined by the forest officer in charge slash shall be burned broadcast after the construction of suitable fire lines as specified in section ----- Similar fire lines shall be constructed around patches of small material reserved for farm improvements. Upon other areas (*continue with clause 52.*)

[For use if the sale includes agricultural land. See also clauses 17, 56, and 57.]

55. The purchaser agrees to furnish a sufficient number of men not exceeding ----- (*do not specify more than the number usually employed in logging operations*) yearly without cost to the Government to burn the brush and debris resulting from this sale. The men shall be furnished at such times as the forest officer in charge shall specify and they shall be placed under his direction and control for brush-burning work: *Provided*, That the purchaser shall not be held responsible for damage resulting from fires started to dispose of brush under the supervision of the forest officer in charge if all precautions required by him were taken. Oil and wicking for brush burning shall also be furnished without cost to the Government if required by the forest officer in charge.

[Standard clause in sales where the brush is to be burned either in piles or broadcast by the operator. If burning is to be done by the Forest Service at the expense of the purchaser use clause 56.]

56. In addition to making advance payments as herein provided for the stumpage value of the timber covered by this agreement, I (or we) further promise and agree to deposit in the above designated depository, when called for by the forest supervisor, such sum or sums, not to exceed \$----- per thousand feet B. M. for the total cut as determined by the forest officer in charge, as may be necessary in his judgment, to cover the cost to the United States of

(state method of disposal) such of the brush and other debris on the sale area as may be required by the forest officer in charge, it being understood and agreed that such sums shall be covered into the Treasury of the United States as a special fund for the payment of the cost of such disposal, and that any excess over such cost shall be refunded to the depositor. It is further understood and agreed that all labor, transportation, and supplies necessary for this purpose shall be hired or procured by the forest supervisor, and that the work shall be done only under the direction of a forest officer. (Add if desirable the purchaser hereby agrees to furnish board and lodging, when requested by the forest supervisor, to Forest Service employees engaged in brush disposal under the provisions of this agreement for which payment will be made at the rate of ----- per meal per man.)

[For use if all brush burning or all brush disposal work is to be done by the Forest Service at the expense of the operator.]

57. If, during the life of this agreement, the forest supervisor shall require, ----- I (or we) agree to deposit in the United States depository, when called for by the forest supervisor a sum not to exceed ----- cents per thousand feet B. M. for the amount cut under this agreement as scaled by the forest officers, this sum to be used to cover the cost of brush (burning or disposal) by the United States in lieu of (my or our) doing the work (myself or ourselves). Any excess over such cost shall be refunded.

[Standard clause to provide for taking over brush disposal work by the Forest Service during the life of the agreement. If used, the words "Unless brush (burning or disposal) is done in accordance with section ----- (this standard clause) of this agreement" should be prefixed to the sections requiring brush disposal by the purchaser.]

58. The purchaser shall burn the slash without cost to the Government at such times and under such conditions as the forest officer in charge may prescribe.

[For use if it is safe and practicable for the purchaser to burn brush particularly where conditions permit the burning of brush as it is cut.]

59. Tops shall be lopped and all brush shall be scattered in such a manner as to lie close to the ground and away from standing trees and reproduction, as required by the forest officer in charge.

60. Tops shall be lopped so that all limbs and material ----- inches and over in diameter at the large end shall be close to the ground, and material less than ----- inches in diameter at the large end shall be scattered evenly over the ground, but no material shall be left within ----- feet of living trees of merchantable species.

[Standard clause in sales of hardwoods if brush disposal is by scattering. The usual diameter named is 3 or 4 inches.]

61. Brush shall either be lopped and scattered or piled and burned or both methods of disposal employed in accordance with the instructions of the forest officer in charge. Where brush is lopped and scattered it shall be spread in such a manner as to lie close to the ground and away from living trees. Where it is piled (continue with clause 52).

62. On a strip or strips the width of which at any point will be determined by the forest officer in charge but which shall not have an average width of more than ----- rods and the length of which shall not exceed a total of ----- miles, which strip or strips shall be located as the forest officer in charge may designate, tops shall be lopped and all brush and debris resulting from cutting shall be piled and burned by the purchaser without cost to the Government under the supervision of the forest officer in charge and at such times as he may require. On the remainder of the sale area slash shall be lopped and scattered or pulled away from living trees as may be required by the forest officer in charge. If lopped and scattered slash and all debris shall be spread so as to lie close to the ground and away from living trees.

[If desirable, the following may be substituted for the portion of the above clause preceding the words "Tops will be lopped": "On such fire lines as the forest officer in charge may designate to be located where the danger from fire makes their construction necessary in his judgment."]

63. The term "brush" as used in this agreement means all slash and debris resulting from logging operations including stems, limbs, and parts thereof not



exceeding ----- inches in diameter (*add in tie sales and chips over ----- feet in length made in hewing ties*).

[The usual maximum diameter of stems or limbs classed as brush is 4 inches, and the usual minimum length of chips which must be placed in brush piles is 2 feet.]

**Protective Measures—Fire.**

64. Whenever in the judgment of the forest supervisor climatic conditions are such as to make the danger from forest fires excessive the purchaser shall cease logging operations on the sale area after 5 days' notice from the forest supervisor and shall suspend such operations until released by further notice: *Provided, however*, That logging operations shall not be so suspended for more than 30 days in any one calendar year.

65. Officers of the Forest Service, fire fighters, and other regular and temporary employees shall be transported free of charge over logging roads operated in connection with this sale not common carriers, and shall be permitted to ride upon logging trains and engines or to operate speeders when traveling upon official business. Forest officers and other employees riding on logging trains, engines, or speeders shall do so at their own risk, and the owner of the railroad expressly reserves the right to enter into an agreement with such person before entering upon said trains or engines, or before operating a speeder, releasing the said owner from liability for any injury sustained by them in riding on said trains, engines, or speeders, arising from any cause whatsoever. In emergencies arising from forest fire special trains shall be furnished to officers and employees of the Forest Service.

[For use if logging railroads are used by the purchaser. If used, the words "including the furnishing of special trains or other special service is required" should be inserted in section 17 of Form 202, after the words "*Provided*, That the maximum expenditure for fire fighting without remuneration in any one calendar year at the rates of pay determined as above shall not exceed \$-----."]

66. During the period from ----- to ----- of each year no refuse, brush, slash, or debris shall be burned without the written consent of the forest officer in charge.

**Protective Measures—Use of Locomotives and Donkey Engines.**

67. Whenever necessary in the judgment of the forest officer in charge the purchaser shall clear and keep clear railroad rights of way by cutting all dead trees and brush and by burning all inflammable material for a distance of not to exceed ----- feet on each side of the center of main and spur tracks in such manner and at such times as may be designated by the forest officer in charge. During the months of ----- to -----, inclusive, the purchaser may be required in the discretion of the forest supervisor to patrol all railroad tracks after the passage of each locomotive.

[Standard clause if logging railroads will be operated. The usual distance designated for clearing on each side of the right of way is 100 feet. Details of the patrol may be specified if desirable.]

68. From ----- to ----- of each year spark arresters satisfactory to the forest officer in charge shall be maintained on all wood or coal burning boilers used on or adjacent to National Forest lands, unless this requirement is waived in writing in advance by the forest supervisor.

69. During the period from ----- to ----- of each year oil shall be used exclusively as fuel in all locomotives, donkey engines, or other steam-power engines, or such engines shall be equipped with spark arresters acceptable to the forest officer in charge, and with a connected steam force pump of not less than ----- -inch discharge, ----- feet of serviceable fire hose, ----- large pails, ----- shovels, and a constant supply of not less than the equivalent of ----- barrels of water. This equipment shall be suitable for fire-fighting purposes and shall be kept in serviceable conditions, and when not in use in fighting fire, on the tender or engine sled.

[The usual fire-protection equipment for engines is a connected steam force pump of not less than 1-inch discharge, 100 feet of serviceable 1-inch fire hose, 6 large pails, 6 shovels, and a constant supply equivalent to at least 12 barrels of water.]

70. No fuel other than oil shall be used in any steam locomotive or donkey engine operated in connection with this sale from ----- to ----- of each year unless the written consent of the forest supervisor is obtained in advance and then only under such conditions as he may require.

71. If wood is used to start or to maintain overnight fire in any oil-burning locomotive, that locomotive shall not be moved (*insert, if applicable*, over tracks within or near National Forest lands) until it is under steam with oil as the fuel, and the quantity of wood used shall be kept to the minimum necessary for the purpose.

72. During the period from ----- to ----- of each year, the ground at each setting of each donkey engine or other steam-logging contrivance shall be cleared of all inflammable material, including dead trees, for a distance of ----- feet in all directions. During the same period of each year no donkey engine or other steam-logging contrivance in actual use shall be left during the noon hour without a watchman, and during the same period of each year the purchaser may be required, at the discretion of the forest officer in charge, to employ a night watchman to guard against the escape of fire from logging engines.

[The distance designated for clearing in all directions around donkey engines varies from 50 to 100 feet.]

**Protective Measures—Snags, Insects, Diseased or Undesirable Trees.**

73. All marked diseased trees and all standing unmerchantable dead trees (*add, if desirable*, over ----- feet in height; *or*, which are considered a fire menace by the forest officer in charge) on the sale area shall be cut: *Provided*, That the number of unmerchantable trees so cut shall not exceed an average of ----- per acre on the sale area as a whole. (*Add, if desirable*: Such trees after felling shall be opened up sufficiently to satisfy the forest officer in charge of their contents and any portions thereof which are in his judgment merchantable as herein defined shall be scaled and paid for and may be removed by the purchaser.)

[If only dead trees are to be cut, omit the first 5 words of the clause.]

74. Any trees on the sale area which become infested with tree-killing insects during the life of this agreement shall be disposed of at such times and in such manner as may be required by the forest officer in charge.

[For use only if the purchaser can comply with it without undue expense.]

75. All (*name species*) on the sale area remaining uncut ----- inches or more in diameter shall be killed by piling and burning slash around them or by girdling at such times and on such portions of the sale area as the forest officer in charge shall direct: *Provided*, That the cost to the purchaser of girdling shall not exceed ----- per M feet B. M. for the total amount of merchantable timber cut and scaled under this agreement.

[Standard clause for securing the destruction of defective and undesirable trees in addition to those covered by clause 73.]

**Protective Measures—Pollution of Streams and Sanitation.**

76. All camp buildings and structures used in connection with this sale shall be located at a sufficient distance from streams in the judgment of the forest officer in charge to prevent the pollution of the water.

77. Outhouses and refuse pits shall be located with reasonable reference to sanitary requirements as may be required by the forest officer in charge.

78. The arrangement of each new camp shall be approved in advance by the forest officer in charge and such sanitary precautions as he may require shall be taken.

[Clauses 76, 77, and 78 may be used separately or combined with the wording in section 20 of Form 202 if desirable.]

79. Sawdust and all other mill refuse shall be so disposed of that none will enter the waters of any stream.

[For use if sawdust and refuse can not be burned currently. See also page 62-L<sup>2</sup> under "Sawmills."]

**Use of Railroads by Other Purchasers.**

80. It is further agreed, as part of the consideration of this agreement, that all main railroad lines shall be made common carriers in accordance with the laws of the State of -----: *Provided*, That in any question as to what portion



of the railroad lines constructed shall be made common carriers under this clause, the decision of the Forester shall be final.

81. We do hereby agree, as a part of the consideration of this agreement, to grant to the Forest Service, or to such other parties as the Forest Service may designate, the privilege of using any main lines of railroad which are not common carriers, both on and off National Forest land, which will be constructed, owned, or controlled for the purpose of logging the timber on the area specified in this contract, for the purpose of or in connection with the logging of any National Forest timber tributary to the said main lines of railroad, at such rates and under such regulations as may be specified by the district forester: *And further provided*, That any such arrangement for the use of said railroad lines may be terminated at the date of the expiration of this contract at the option of the purchaser: *Provided, however*, That in the event the arrangement for the use of said railroad lines is terminated at the date of the expiration of this contract by the purchaser, or if any lines constructed, owned, or controlled by the purchaser, used for the purpose of, or in connection with, the logging of the timber on said area, and used as common carriers, cease to be so operated as common carriers on or prior to the termination of this agreement, the United States shall have the right, as a part of the consideration of this agreement, to purchase the said railroad or to designate a person or persons who shall also have the right to purchase the said railroad lines, at such times as may be mutually agreed upon between the United States or the person or persons it may designate and the owners of the said railroad lines: *Provided further*, That in the event it is impossible for the parties aforesaid to agree upon a purchase price a board of appraisers consisting of three persons, one to be named by the purchaser, one to be named by the Forester in the event the United States desires to purchase such railroads, or by the holder of any timber sale agreement which would be affected by the use of said railroad lines and whose name shall be designated by the district forester, and the third to be named by the two thus chosen, shall fix the price at which the said railroad lines shall be purchased. Written notice of intention to exercise the option of purchase must be given within two months from the date of the expiration of this agreement. The board of appraisers shall meet upon the call of the district forester, and the majority vote shall be binding on the board. It is hereby specifically understood and agreed that any purchaser of said railroad lines shall be an actual bona fide purchaser of timber which is tributary to such lines.

#### **Representative of Purchaser.**

82. At all times when logging operations are in progress the purchaser shall have at the main camp for his employees working on the sale area a representative who shall be authorized to receive, on behalf of the purchaser, any or all notices and instructions in regard to work under this agreement given by the forest officer in charge, and to take such action thereon as is required by the terms of this agreement.

#### **Sale of Other Products from the Same Area.**

83. The United States reserves the right to sell other products than ----- (or material unmerchantable under the terms of this agreement) from the sale area during the life of this agreement: *Provided*, That the removal of such material will not in the judgment of the forest officer in charge interfere with the operations of the purchaser.

84. The right to extract naval stores from any of the timber included in this agreement is reserved by the United States. Naval store rights may be leased by the United States during the contract period: *Provided*, That operations under such leases will not in the judgment of the forest officer in charge interfere with the operations of the purchaser and that any lease made by the United States shall not permit the boxing of timber or the deterioration of the lumber values of the trees.

[Standard clause in all sales of longleaf or slash pine, and in large sales of western yellow pine and Jeffrey pine, not previously worked for naval stores.]

#### **Sale of Lumber to the Forest Service.**

85. If required, lumber shall be supplied to the Forest Service, at the lowest price given to any purchaser of similar amounts of lumber of similar character.

#### Responsibility for Obligations under Previous Contract.

86. As a further consideration for the sale of the timber covered by this agreement the purchaser hereby assumes all obligations remaining uncompleted under that certain sale agreement signed in duplicate by ----- on the ----- day of -----, 19--, and approved by (*name and title of approving officer*) on ----- day of -----, 19--.

[For use in contracts following a cancellation when the new contract includes all timber remaining uncut on the sale area. See "When of Advantage to the United States or not Prejudicial to its Interests," p. 54-S.]

#### Periodic Bonds.

87. And as further guaranty of faithful performance of the conditions of this agreement I (*or we*) deliver herewith a bond in the sum of \$----- to cover the period prior to (*insert date next following date bond is to expire*), and do further promise and agree to deliver to the district forester (*or forest supervisor*) at least 10 days before (*date bond expires*) the date the bond delivered herewith is to expire, and likewise at least 10 days before the date of expiration of any other bond hereafter delivered in connection with the sale, a new bond in such sum and under such conditions as the (*title of approving officer*) may require. I (*or we*) do further agree that should the sureties on the bond delivered herewith or on any bond delivered hereafter in connection with this sale become unsatisfactory to the officer approving this agreement, I (*or we*) will within thirty days of receipt of demand, furnish a new bond with sureties solvent and satisfactory to the approving officer.

[For use instead of the corresponding wording on Form 202 if the bond is to cover only part of the contract period.]

## 7. ADVERTISEMENT.

REG. S-8. Timber in amounts exceeding \$100 will be advertised prior to sale for periods extending from one to six months, in accordance with its quantity and value, but this requirement will not apply to sales at cost to settlers and farmers under Regulation S-22.

#### Requirements of Law.

Advertisement of sales of timber exceeding \$100 in amount is required by act of June 6, 1900 (31 Stat., 661), for a period of not less than 30 days.

#### General Principles.

The following principles will govern sale advertisements:

1. The character and extent of advertising will be determined with a view to securing all possible competition in the bids for the timber. The advertising period will not be shortened for the convenience or business advantage of particular applicants. Advertising requirements will not be reduced because competition appears improbable. All practical steps to inform and interest additional bidders will be taken uniformly, however unpromising the outlook.

Aside from the advantage of securing higher bids, even in only a small percentage of cases, by following this course, it is essential as a public policy to secure the fullest publicity of all sales and safeguard the procedure from any criticism of favoring the interests of particular applicants.

2. As far as possible, National Forest timber will be advertised in periodicals from which practical results in making sales or securing competition may be expected.

3. Periodicals will be selected for advertising with reference to (1) the region in which possible bidders for the timber are situated, (2) the circulation of the periodical in this region, both general and among lumbermen, (3) its total circulation, and (4) the actual results secured from past advertisements.

4. The insertions in any periodical will be limited to the number from which practical results may be expected. Insertions should appear more frequently at the beginning than during the latter part of the advertising period. The total number should depend upon the possibility of securing competition, the ease or difficulty of reaching interested operators, and the size of the territory which must be covered. When any sale is advertised in two or more periodicals with circulation in the same region, insertions should be so ar-



ranged in each as to secure continuity of publication without duplication on the same dates, thus reducing the number of insertions and their cost.

5. The period of advertisement should vary from one to six months, depending upon the quantity of timber, the possibility of developing competition, and the time required by prospective bidders to examine the area. Wherever competition is possible, the advertisement will extend over an adequate period for field examination during a practicable season of the year.

6. Competitive bids will be secured annually in advance from all newspapers in which it is planned to advertise, together with a statement of circulation and the place in the sheet which is offered for this business.

7. Formal advertising will be supplemented as far as practicable by verbal or written notification of all possible purchasers; notices in post offices and other public places; interviews for local newspapers; news items for regional or general publication; special letters to lumbermen who may be interested; preparation of prospectuses for sales of regional interest when needed and all





sales of general interest, to be sent to possible purchasers and in answer to inquiries; and special visits of forest officers to interest prospective bidders.

8. General publicity to keep before the public the fact that National Forest timber is for sale and is being sold successfully should be secured by: (1) Interviews or news items on applications for timber, awards of timber, the approval of sale contracts, the completion of preliminary construction work, amounts cut by years in specified sales, the closing of important sales, the total annual cut by Forests and States, and annual receipts from timber sales by Forests and States; (2) interviews or news items concerning the amount, kinds, and approximate value of timber for sale, by specified chances, Forests, or regions, and the publication of similar information in railroad folders, circulars issued by boards of trade, etc.; (3) distribution of mimeographed or printed descriptions of logging chances available for purchase and of the bulletin on timber sale policy and procedure.

#### Classification of Sales.

For advertising purposes, sales may be divided into three classes:

1. Sales of local interest in which there is no possibility of securing competition by other than local advertising, as in practically all supervisors' sales and district foresters' sales under 10,000,000 feet board measure.

2. Sales of regional interest in which there is no possibility of securing competition by advertising outside of the region in which the timber is situated. This class includes district foresters' and Forester's sales from approximately 10,000,000 to 50,000,000 feet board measure.

3. Sales of general interest in which competition may be secured by widespread advertising, as in most sales over 50,000,000 feet.

#### Sales of Local Interest.

Sales of local interest should be advertised in one newspaper for 30 days. The number of insertions should not exceed three, appearing at the beginning of the first, second, and third weeks; and may be reduced to two, at the beginning of the first and third weeks. Two insertions will be sufficient in sales in which no competition is possible. The sample advertisement given in Form 200 should be used. Such supplemental advertising as may be of value should be employed.

#### Sales of Regional Interest.

Sales of regional interest should be advertised in two periodicals, ordinarily a local newspaper and the lumber trade journal having the largest circulation in the region. Two local newspapers may be substituted, in the discretion of the approving officer. In exceptional cases advertising in a single local paper may be sufficient if no other paper in the region will reach additional operators or possible bidders. Advertisements of such sales should extend from one to three months, with two months as standard. Provision may be inserted for extension of time upon request to permit examination of the sale area. The following scheme of insertions for a three months' advertisement is suggested:

Advertising medium.	First month.	Second month.	Third month.	Total insertions.
Local newspaper.....	1st, 15th...	1st.....	1st.....	4
Lumber trade journal.....	15th.....	15th.....		

Three-month advertisements in local newspapers should appear at the beginning, middle, and end of the first month and middle of the second and third months. The five insertions should ordinarily be divided between the two newspapers as indicated above. When the time for receiving bids is extended, additional insertions of the advertisement should usually be arranged. The sample advertisement, Form 200a, should be used, with the modifications in display heads shown in Forms 200b, 200c, and 200d, if several advertisements are pub-

lished in the same issue. Supplemental advertising should be more extensive than in sales of local interest. A prospectus will be prepared and distributed when advisable.

#### Sales of General Interest.

Sales of general interest should be advertised in a local newspaper, a lumber trade journal of extensive local circulation, and a lumber trade journal of general circulation. It should cover a period of two to six months. Provision may be made for extension of time upon request to permit examination of the sale area. The following plan for insertions is suggested:

Advertising medium.	First month.	Second month.	Third month.	Fourth month.	Fifth month.	Sixth month.	Total insertions.
Local newspaper.....	1st....	1st....	1st....	1st....	1st....	1st....	6
Local lumber trade journal.....	15th....	15th....	15th....	15th....	15th....	15th....	5
General lumber trade journal.....	1st....	1st....	1st....	1st....	1st....	1st....	5

When the time for receiving bids is extended upon request, provision should usually be made for additional insertions.

The form should be the same as in regional sales. Supplemental advertising, including the preparation and distribution of a prospectus, should be as thorough as possible.

#### <sup>a</sup> Preliminary Advertisement.

The standard practice of the Service to begin publication of sale notices after the approval of the sample agreement will be waived to permit preliminary advertisement in sales of regional and general interest when the total period of advertisement exceeds two months. This provision is to secure the same publicity for larger sales without the delay incident to long-term advertisements after the terms of sale have been fixed. Preliminary advertising will be considered part of the total advertising period required.

Preliminary advertisements will be published with the approval of the forest officer authorized to make the sale. They will follow the usual form of sale notices, giving as much data as is available. Stumpage prices and the date for opening bids will necessarily be omitted, but in all cases a definite date will be set when the Service will formally offer the timber for sale and furnish a sample agreement.

Preliminary advertising is especially desirable when the regular publication of notice of sale will fall in a season when examination of the timber by prospective purchasers would be difficult. In any event, however, the usual advertisement will be published in such cases for not less than two months except with the concurrence of the Forester.

#### Secretary's Authorization.

Advertisements may be published only in papers included in the yearly authorization issued to supervisors or district foresters by the Secretary of Agriculture. If publication in other papers is advisable, the authority of the Secretary should be requested through the Forester.

#### Form of Advertisement.

The notice of sale will follow Forms 200 or 200a, in accordance with the preceding instructions, with the modifications in display headings indicated in Forms 200b, 200c, and 200d, if two or more advertisements are published in the same issue. If the sale area is unsurveyed, the word "approximate" should be inserted in the description of legal subdivisions.

Parts of the sale area for which separate bids will be considered should be made specific.



<sup>a</sup> Timber will be advertised at its appraised value. In sales in which closer utilization may become practicable a low rate, 25 or 50 cents per M feet, should be specified for material unmerchantable under the terms of the agreement, which may be removed at the option of the purchaser. The following insertion in the advertisement should be used for this purpose:

*For material unmerchantable under the terms of the contract, to be removed at the option of the purchaser, for which payment is required by the Forest Service, \$———— per M feet.*

#### General Notice.

Timber likely to be in demand or which should be sold promptly for silvicultural or administrative reasons may be advertised in advance of application, upon approval by the officer authorized to sell the amount involved.

It is desirable to offer for sale by this means:

(1) Areas available to local industries or users from which a number of small sales can be made from time to time.

(2) Scattered tracts intermingled with private holdings, which will be in demand on short notice as the logging of the patented land progresses.

(3) Dead, insect-infested, and overmature timber whose immediate cutting is urgent.

(4) Chances whose sale is desirable for management or revenue but on the terms of which no agreement has been reached with particular applicants.

As Forest working plans are extended it will be more and more desirable to offer chances in this manner at the instance of the Service rather than advertise upon particular applications.

General-notice advertisements will follow the same form as in other cases.

#### Date for Receiving Bids.

To make any advertisement legal, the last day for receiving bids must be at least 30 days from the first insertion, but need not be the date of the final insertion. Care should be taken, therefore, in sales advertised for one month to make the last date for receipt of bids, which the supervisor will insert in the copy furnished the publisher, the same day in the following month as the date of first publication. If, however, the first insertion appears on January 29, 30, or 31, the final date for receiving bids should be March 1, 2, or 3, as the case may be. If the first publication appears in February, the final date for receiving bids should be two days later in March than the date of the first insertion. If the last day for receiving bids in any sale falls on Sunday or a legal holiday, the final date should be the following day. If the notice of sale is to be published in more than one paper, the last day for receiving bids must be the same in all.

#### Correcting Mistakes.

If material mistakes appear, they should be corrected, and in 30-day advertisements the final date for receipt of bids changed to the thirtieth day after the first publication of the correct advertisement. A full period of 30 days must always be allowed for submitting bids. However, the total number of insertions should not exceed that authorized in the original Department Form 6a, unless further insertions are necessary for the information of operators.<sup>b</sup> A new Department Form 6a covering the whole period of advertisement will be required when the number of insertions has been increased.<sup>b</sup>

An extension of time for receiving bids will not ordinarily be necessary in sales advertised for two or more months. It should always be provided, however, whenever necessary to give operators unfamiliar with the chance ample time to examine it at a suitable season of the year.





It is especially desirable in sales where no competition is probable, in lieu of a longer fixed period for receipt of bids. If but one bid is submitted without request for extension the sale can thus be completed promptly, whereas the provision for extension gives any possible competitor opportunity to fully examine the area.

#### **Authority to Publish.**

<sup>a</sup> Except advertisements sent to Washington for placing in lumber trade journals under annual contracts, the district forester or forest supervisor will issue a Department Form 6a for advertisements, addressed to the publisher of the paper and transmitting a copy of the notice of sale and advertising rate form (Department Form 6b). A copy of Form 200 should be attached to page 4 as one of the requirements of the authority to publish; or of Form 200a, 200b, 200c, or 200d, if the sale is of regional or general interest.

<sup>a</sup> In filling out Department Form 6a, the designation of the case, name of Forest, date, name of paper, place of publication, date and number of the Secretary's authorization to publish, and number of the authorization to use display headings must be inserted in the proper blank lines.

<sup>a</sup> The data on page 3 of Department Form 6a will be filled in as indicated by the italicized clauses of the following:

\* \* \* you are hereby authorized to publish the inclosed advertisement for proposals for the purchase of timber from lands within the ——— National Forest, in the weekly (semimonthly or monthly) editions of your paper ——— times as follows: *In the issues of* —————

(Give dates.)

<sup>a</sup> Always specify in the blank space provided on page 3 of Department Form 6a that the advertisement must be charged for at the rate or rates per inch per single column. On page 4, insert in the blank space in the last paragraph "200" or "200a, 200b, 200c, or 200d," as the case may be. A copy of each Department Form 6a issued will be retained.

<sup>a</sup> The publisher will be notified that advertisements must be set up as nearly as possible like the sample form and directions for printing. Charges for space not called for by these directions can not be allowed. When the advertisement has run for the time ordered, the publisher of the newspaper will fill out the voucher attached to Department Form 6a and transmit it to the Supervisor for certification, after which it will be forwarded to the district fiscal agent. If the publisher's sworn rates are not already on file, they must accompany the account.

#### **Competitive Bids.**

Competitive bids will be secured by the district forester at the beginning of each fiscal year from papers and periodicals not specified under advertising contracts. Authority should be secured from the Secretary to advertise in the papers offering the best terms. Rates will be secured per inch of space per single column for each kind of advertisement which may be used and for a varying number of insertions. Information will also be secured as to the placing of advertisements and circulation of the periodical.

#### **Advertising Contracts.**

Competitive bids for space on a yearlong basis will be secured by the Washington office from lumber trade journals which will publish advertisements for two or more districts, and annual contracts made. The district foresters will be notified of the journals selected, all advertisements for which should be sent to the Washington office. Advertisements will not be placed in other trade journals unless distinct advantages will be gained. Advertisements transmitted to the Washington office will be accompanied by a statement of the number of insertions desired and the dates preferred. General advertising material will also be furnished to the Washington office wherever possible for use if the space contracted permits.

#### **The Prospectus.**

<sup>a</sup> For all sales of general interest, and sales of regional interest when advisable, a prospectus will be prepared prior to advertisement. It may be mimeographed or printed in the district. The main object of the prospectus is to interest operators at a distance who know nothing about the timber or the

<sup>a</sup> Paragraph modified; effective Jan. 1, 1916. (35-S)

location and to furnish them with such data as they require in deciding whether to visit the tract and consider its purchase. For this reason it should include full information on the location, amount and quality of the timber, the topography of the tract, costs and methods of logging, data pertinent to marketing the finished product, such as market facilities, railroad routes and available market territories, and the minimum rates which will be accepted. It should contain instructions on submitting bids, and the preliminary and final showing of financial responsibility which will be required of the successful bidder. A copy of the sample contract should be incorporated in the prospectus, with explanation of any clauses which may not be understood, and any other data necessary to give a clear understanding of the timber, logging conditions, and Forest Service requirements. Care must be taken to include in the prospectus only plain statements of fact regarding the timber chance, excluding discussions of business opportunities, anticipated profits, and other matter which might be misused by promoters.

#### **News Items.**

News items should supplement paid advertisements in sales of regional and general interest. They should be published during the advertising period, or, where wide publicity is desired, in advance of advertisement.

#### **Reference to the Applicant.**

All statements regarding proposed sales in prospectuses, letters from forest officers, published notices, etc., will be absolutely impersonal, with no reference to any applicant, person, or company which may be negotiating for the purchase of the timber. Reference to the chance will be made solely as timber which the United States wishes to sell.

Great care must be taken in letters to applicants and successful bidders to whom provisional awards have been made, to make no statement which implies that the timber has been secured by the correspondent. This is essential to prevent misrepresentation of the status of the sale.

### **8. AWARDS—PREVENTION OF MONOPOLY.**

**REG. S-9.** Advertised timber will be awarded to the highest bidder upon submitting satisfactory evidence of financial standing, unless:

(1) Urgent considerations have arisen which make the sale undesirable, in which case all bids may be rejected.

(2) Allotments to several bidders are practicable and advisable.

(3) Award to a purchaser in an emergency sale at the highest price bid, or a division of the timber between such purchasers and other bidders, may be required by the existence of an emergency or in equity on account of operations previously begun on the sale area.

(4) Monopoly from the control of large amounts of public or of public and private timber would result, in which case all bids may be rejected and the timber readvertised.

Before examining timber on application or making an award a statement of the relation of the applicant or bidder to other persons, firms, or corporations holding permits or agreements for the use of National Forest resources may be required in the discretion of the approving officer. Firms or corporations may be required to furnish a certified statement of their members or stockholders.

#### **Ordinarily to the Highest Bidder.**

Sales will be awarded to the highest bidder upon a satisfactory showing of financial responsibility unless one of the following considerations makes necessary the rejection of all bids, the allotment of the timber to several bidders, award to another than the highest bidder, or readvertisement.

#### **All Bids Rejected if Sale Undesirable.**

All bids may be rejected if urgent considerations of public interest have arisen which make the sale undesirable.

#### **Allotments to Several Bidders.**

The need for allotments among several bidders to prevent monopoly, to supply as many operators who are dependent upon the National Forests for their timber as possible, or for other reasons, should be fully considered in the timber-sale report. Provision for separate allotments may be made in the advertise-



ment by requesting bids for all or any part of the sale area, or separate bids for designated blocks within the area.

#### **In Emergency Sales.**

Emergency sales in which competition appears possible will be approved only in emergencies so urgent as to justify preference in the award after advertisement to the applicant. Provision should, if practicable, be made for other bidders in accordance with the instructions under "Emergency sales," page 47.

#### **Monopoly.**

Where monopoly, through the control of large amounts of public or of public and private timber would result from an award to the highest bidder, all bids should be rejected and the timber readvertised. The highest bidder should be notified that a further bid from him in response to readvertisement can not be considered.

If necessary to determine the relation between an applicant or bidder and other persons, firms, or corporations holding permits or agreements for the use of National Forest resources or owning large amounts of private timber, a certified statement showing such relations will be required. Firms or corporations may be required to furnish a certified statement of their members or stockholders when it is believed that such statements may indicate relations with other firms or corporations holding permits or contracts on National Forests, which should be known to forest officers for the prevention of monopoly.

#### **Readvertisement if All Bids Rejected.**

When the highest bid can not be accepted on account of the unsatisfactory financial standing of the bidder (Reg. S-10; instructions, p. 39) or the liability of creating monopoly, all bids will be rejected and the timber readvertised for a short period at minimum rates ordinarily equivalent to the highest bona fide bid. If the highest bona fide bid is rejected for the reasons given above, and other bidders, who satisfy the requirements, can not purchase the timber at that price on account of exceptional advantages of the person or firm offering it, the next lower bid may be taken as establishing minimum rates for readvertisement. After such readvertisement, the timber will be awarded to the highest bidder who meets the requirements of the regulations.

In an award following readvertisement bids from persons or firms whose previous bids were rejected on account of monopoly or financial standing, will not be considered.

#### **Equal Bids.**

When two or more bids equal in amount and higher than any others submitted are received from operators to whom sales are permitted under the regulations and a division of the timber is not practicable, all bids will be rejected and the timber held for private sale. All bidders will be informed that sealed bids at not less than the highest price previously offered will be received up to a specified time, from two or ten days following the date of notification. If an immediate award is urgent, two days will be sufficient. Should the bids submitted be again equal and further bidding appear fruitless, the award will be made by lot to one of the highest bidders in the presence of witnesses. All bidding subsequent to the original offers is informal and does not affect the minimum rate at which the timber may be disposed of at private sale, which remains as fixed by the original advertisement.

Other persons than the original bidders making inquiry as to the disposition of the timber will be notified of the date for receiving informal bids and encouraged to bid if they desire. Before such bids are considered, however, the bidders must conform to the same conditions as to deposit, evidence of financial responsibility, etc., which were required of the original bidders. If it appears possible to secure additional competition in the informal bidding by one or two insertions of its announcement in local or trade papers, this will be done and the date of opening informal bids fixed accordingly.

#### **Sales to Actual Purchasers Only.**

Applications or bids must be made in every instance by the person who proposes to purchase the timber. Bids from an agent for an undisclosed principal

will not be considered. Advertised sales will not be awarded to an officer of a corporation in his individual capacity when the timber is intended for the use of the corporation.

#### **Provisional Awards.**

Where a financial showing is required, final award will not be made or the contract furnished for execution prior to submission of satisfactory evidence of financial responsibility. In such cases the bidder to whom an award is contemplated will be informed in writing that the award will be made to him and the contract and bond furnished for execution if a satisfactory financial showing is offered prior to a specified date. (See also instructions on p. 39.)

#### **Stumpage Rates in Allotments.**

Individual allotments may be made at prices greater or less than the highest bid, in no case less than the minimum rate advertised, so as to equalize differences in quality or accessibility on various parts of the sale area; but an average price equal to the highest offer must be obtained.

#### **Deposits.**

Instructions concerning bid deposits are given under "Deposits, refunds, and transfers," page 45.

#### **Handling Bids.**

Envelopes containing bids will be stamped with the date of receipt and filed, unopened, by sales under the date of opening. On the day following the final date for receiving bids, at 2 o'clock p. m., unless another hour is more convenient for all concerned, all the bids submitted will be opened by the supervisor or district forester in the presence of witnesses. Bidders should be asked to be present if they desire. The original bids should be indorsed with the date opened and a list of those present. Bids for lower rates than those named in the notice of sale can not be considered. If no bids have been received, the applicant may be requested to submit a bid immediately, or private sale of the timber arranged.

#### **Card Record.**

If any portion of the timber is awarded to another than the applicant, a new timber-sale record card will be filled out and filed by the supervisor and by the district forester in class D and E sales.

#### **Refunds to Unsuccessful Bidders.**

When the timber has been awarded, the data on the timber-sale record cards will be checked by the officer approving the sale and deposits made by unsuccessful bidders refunded in accordance with the instructions on page 46.

## **9. FINANCIAL STANDING OF PURCHASERS.**

REG. S-10. In all sales exceeding 10,000,000 feet, and in smaller sales when necessary in the judgment of the approving officer, the successful bidder will be required prior to award of the timber to submit a satisfactory statement of financial ability to conduct the operation and fulfill the terms of the agreement, or his financial standing will be determined by forest officers. Such a statement may be required before advertisement or before steps are taken to examine areas applied for.

### **OBJECT.**

Financial requirements are imposed:

- (1) To secure as purchasers bona fide operators having adequate financial assets to carry out sale contracts successfully; and
- (2) To eliminate speculators and promoters who risk no capital of their own, have little permanent interest in the success of the enterprise, and seek profits primarily from the formation of a new company or manipulation of its stock.

These requirements will not be so enforced as to prevent legitimate promotion or the financing of National Forest sales in part on borrowed capital by responsible men in accordance with conservative business standards.



The evidence of financial responsibility is designed primarily to show that the operator is able to cut the amount of timber involved in the time specified; that is, that the enterprise as a whole is soundly financed and will be carried to a successful conclusion. It is more necessary in large than in small sales, because the success of the former is more dependent upon adequate capital than that of the latter. The evidence of financial standing is thus distinct from the bond, which is designed primarily to support the detailed requirements of the agreement as to advance deposits, methods of cutting, slash disposal, etc.

All information obtained regarding the financial standing of purchasers or applicants will be confidential.

## **WHEN REQUIRED.**

### **In Advance of Examination.**

When an applicant is of unknown business standing, evidence of financial standing will be required in preliminary form before field work which involves a considerable expenditure of Forest Service funds is begun. This is not necessary if the timber is in demand and its examination is desirable to determine specific conditions of sale regardless of any particular applicant.

In connection with the consideration and discussion of a preliminary financial showing the applicant will be informed of the exact requirements of the final showing which must be furnished prior to award.

### **Before Data are Furnished.**

Evidence of financial standing will be required in preliminary form from applicants of unknown business standing before data regarding the timber and terms of sale are furnished which may be put to improper uses in inducing others to invest in the enterprise. This applies particularly to manuscript reports, data from appraisers' reports, or market records and maps, which are not generally distributed and whose possession might indicate advanced negotiations with the Government. It does not apply to printed prospectuses or other matter furnished generally to those requesting it.

In the discussion of the preliminary showing applicants should be informed of the exact requirements of the final showing.

### **Prior to Award.**

In any case in which evidence of financial standing is necessary under Regulation S-10 it will be required before the timber is awarded and the contract furnished to the successful bidder for execution.

### **Time Limits.**

The procedure for provisional awards pending a satisfactory financial showing is covered under "Awards," page 33.

In all cases a definite and reasonable time limit will be placed upon the option or exclusive right given to the successful bidder to submit evidence of financial standing and complete the sale. This ordinarily will not exceed three months.

Where several bids are submitted the highest bidder, if his financial standing is unknown, should be required to make a satisfactory preliminary showing within one week from the date the bids are opened. Additional time may then be allowed within which to submit the final showing required.

Where the highest bid is rejected because of failure to furnish a satisfactory financial showing the timber will be readvertised as outlined under "Awards," page 37.

## **CLASSIFICATION OF PURCHASERS.**

### **Established Local Firms.**

Where evidence of financial standing is required in dealing with established local firms or individuals of a substantial character, particularly when large amounts of timber are not involved or in second or subsequent purchases by known operators, an investigation and report by a forest officer showing that the financial standing of the purchaser meets the standard requirements of the Service will be sufficient. Wherever desirable, however, and particularly in large sales and first purchases, a written statement of assets certified by the secretary or treasurer of the company will be required. No further check of

this statement than a report from local forest officers that the applicant or bidder qualifies under the standard requirements will ordinarily be required.

In dealing with established local firms whose financial standing is doubtful a certified statement of assets will be required in all cases. This will be checked to the extent deemed necessary through inquiry by forest officers, credit rating books, or by means of a special rating obtained through the Division of Accounts and Disbursements.

#### **Established Firms not Locally Known.**

Where evidence of the financial standing of firms established in the lumbering business but not locally known is required a statement of assets certified by the secretary or treasurer of the company must be furnished, together with a list of references. The statement must fulfill the standard requirements. It will be checked by a credit rating book and by inquiry from at least two of the references given. In questionable cases special investigation by forest officers may be directed or inquiry made through the Division of Accounts and Disbursements.

#### **New Firms.**

Where evidence of the financial standing of firms or applicants not now established in the lumbering business is necessary a specific statement of present and anticipated resources certified by the secretary or treasurer of the company, together with a list of references, will be required. The statement must fulfill the standard requirements. It will be checked by inquiry from two or more of the references given, and, if there is any question as to the financial standing of the applicant, by a special rating from one of the established agencies. This rating can be secured from the Division of Accounts and Disbursements of the Department upon application to the Forester. In questionable cases special investigations may be made by forest officers.

### **FINANCIAL SHOWING.**

#### **Preliminary Showing.**

A preliminary showing should include the names of persons who are interested in the enterprise, the extent to which they are interested, and references. It should also indicate the plan of organization proposed to manufacture and market the timber and the method which will be followed in securing capital. References should be consulted to ascertain the business standing of the applicant and his associates.

A preliminary showing is satisfactory if it indicates—

(1) That the methods of financing the enterprise will conform to the standard requirements of the Forest Service as to the proportion of bonds or other forms of indebtedness to capital stock or other funds advanced by the purchasing company itself, the amount of capital furnished by men identified with the management of the enterprise, and the assets which will be available at the date of award.

(2) That the men identified with the organization and management of the enterprise have good business standing for responsibility, experience, and capacity in the direction of such affairs.

#### **Standard Requirements.**

The following requirements are standard and will be made uniformly in all sales coming under the terms of Regulation S-10. In exceptional cases more exacting evidence of financial standing may be required with the approval of the Forester. Such cases will be restricted to sales which involve unusual risks incident to the development of new industries in regions where they have not previously existed, particularly the probability of delay in establishing a market for the product. These are operations whose successful completion will require thorough experience in certain industries, such as the manufacture of pulp or paper or particular knowledge of their market and trade conditions, or which may necessitate exceptionally strong financial backing to carry the enterprise through its initial stages. Special cases coming under this class should be referred to the Forester with recommendations as to the evidence of financial and business standing which should be required.



#### **In Sales Exceeding 10,000,000 Feet.**

Evidence of financial standing will be required uniformly in sales exceeding 10,000,000 board feet. As indicated under "Classification of purchasers," it may be determined by forest officers or from a statement submitted by the operator.

<sup>a</sup>The purchaser will be required to show assets in hand equivalent to at least 30 per cent of the initial investment in fixed and working capital as shown by the appraisal. This will be considered a satisfactory financial showing. Such assets must be clear of liabilities, which include bonds, mortgages, or notes, but not stock subscribed or paid in. Assets may be in the form of cash, improvements, equipment, or, in the case of corporations, subscribed stock, the last not exceeding one-half of the amount required for a satisfactory financial showing. Stock subscription must be by solvent subscribers satisfactory to the approving officer and in the amount specified, whether the stock be subscribed at par or not. Assets equivalent to subscribed stock may be accepted in the case of firms, partnerships, limited corporations, or personal or family arrangements. These may include written promises or agreements to furnish stated amounts of money for the enterprise from persons found to have ample resources to make them good. Not less than one-half of the amount required for a satisfactory financial showing should be available in cash, improvements, or equipment before the timber is awarded, and satisfactory guaranties from subscribers should be furnished that any balance in subscribed stock or promises to furnish capital, making up the 30 per cent, will be paid in not later than the beginning of the cutting period.

Bond issues and other forms of indebtedness are thus restricted to a maximum of 70 per cent of the capital needed.

In any case not less than 20 per cent of the fixed and working capital required must be furnished in some form by responsible men who will be actively identified with the management of the company as directors or executive officers.

The plan which will be followed in securing the remainder of the capital required, by sales of stock, bond issues, mortgages, etc., should also be set forth in the financial statement.

Some operations will require large additional investments after cutting has begun, for railroad extensions, new manufacturing plants, etc. These will not be considered in the initial statement of financial standing, but if not properly safeguarded might endanger the successful completion of the sale. The Service will not concern itself with minor increases in sale investments. In exceptional cases, where such increases amount to 50 per cent or more of the total investment, a special clause may be inserted in the contract with the approval of the Forester. This clause will relate only to the method of financing such increases and will require that not less than 30 per cent of the capital required for specified investments shall be cash assets of the purchaser clear of liabilities.

In the case of new companies, or those of unknown standing, a written statement satisfactory to the approving officer of the completed organization of the company will also be required. It must be accompanied by certified copies of all documents and corporate records showing the steps taken in completing the organization.

#### **In Sales of Less than 10,000,000 Feet.**

In sales of less than 10,000,000 feet evidence of financial standing will ordinarily be required only in cases in which sound financial standing is of special importance. The financial responsibility of purchasers, particularly in kinds of operations for which special financial backing is necessary, will, however, be considered. Where deemed advisable forest officers will investigate the financial standing of purchasers or require them to submit a statement.

The showing in such cases should indicate assets in hand equivalent to 30 per cent of the capital needed to carry out the contract, as outlined under sales exceeding 10,000,000 feet. The form of such assets or the liabilities against them need not ordinarily be considered.

#### **Separate Incorporation.**

In the case of separate incorporation of a logging railroad and lumber operation, in the development of a National Forest sale for which evidence of financial standing is required, certified copies of all contracts and agreements between the several companies covering the transportation of supplies and of raw and manufactured products will be required with the financial showing.

<sup>a</sup> Paragraph modified; effective Oct. 1, 1915. (41-S)

Awards will not be made in such cases when it is apparent from these contracts or agreements that the transportation company will profit heavily to the injury of the lumber company. The same course will be followed in case of separate incorporation of any parts of a National Forest sale enterprise.

The showing in such cases will ordinarily be confined to that necessary in accordance with the standard requirements on the part of the company which will purchase the timber.

#### The Prospectus.

The sale prospectus in all cases will outline the preliminary and final showing required and specify the stage in negotiations at which each must be submitted. (See instructions under "Advertisements," p. 35.)

## 10. BONDS.

**REG. S-11.** The officer approving any timber sale agreement may require the purchaser to furnish a bond for satisfactory compliance with its terms.

#### When Required.

Bonds will be required:

- (1) In all sales of more than \$10,000 worth of timber.
- (2) In the first sale to any operator of more than \$3,000 worth of timber.
- (3) In subsequent sales to the same operator involving from \$3,000 to \$10,000 worth of timber when considered necessary by the approving officer to insure compliance with the agreement. Bonds will not be required in such sales when the approving officer is satisfied as to the responsibility of the purchaser.
- (4) In sales involving less than \$3,000 only when necessary, in the judgment of the approving officer, to insure compliance with the agreement.

#### Purpose of Bonds.

Bonds are not required primarily to insure the completion of the sale. For that the Service must rely in large part upon the financial and business standing of the purchaser. The bond affords additional security for full compliance with the agreement, but is designed chiefly to cover its detailed requirements as to payments and methods of operation.

#### Amount.

The following table is a guide in fixing the amount of bonds, not a hard-and-fast rule. Percentages should be rounded off to the nearest fifty or one hundred dollars. The amounts indicated may be increased when desirable for special reasons, such as:

- (1) Doubt as to the reliability or good faith of the purchaser.
- (2) Inclusion in the agreement of special requirements, such as the cutting of snags or construction of roads, in consideration of which a lower price has been placed upon the timber, and whose strict enforcement is of importance to the Service.
- (3) Urgent need for completing cutting by the time specified to prevent loss from deterioration or injury to surrounding stumpage, as in the case of fire-killed or insect-infested timber.

Amount of sale.	Amount of bond.
\$1,000 to \$10,000 .....	10 per cent of amount of sale.
\$11,000 to \$50,000 .....	8 per cent with a minimum bond of \$1,000.
Over \$50,000 .....	5 per cent with a minimum bond of \$4,000 and a maximum of \$50,000.

#### Period.

In sales for five years or less the bond should cover the entire contract period. In sales for more than five years, if the purchaser can not practicably obtain satisfactory surety for the entire period, bonds covering not less than five years may be accepted, with a provision in the agreement to furnish a new bond before the expiration of the initial or any subsequent bond, in the amount and under the conditions required by the approving officer. (See standard clause 00, 14-21.)



The obligation in bonds covering but part of the contract period will be stated as follows:

"The condition of this obligation is such that if the said above-bounden (*names of principals*) or successors, shall, during the period prior to (*insert date next following date bond is to expire*), well and truly perform all and singular the promises contained in a certain agreement executed by (*them, him, or it*) on the ——— day of ———, 19—, and hereto attached, then this obligation shall be void, otherwise to remain in full force and effect; it being understood and agreed that this obligation shall not extend or apply to any of the promises in said agreement that by its terms are to be performed subsequent to (*date bond is to expire*); and that the said surety shall not be liable for any loss, costs, damages, or expenses occasioned by the failure of the principal to deliver a new bond before the expiration of this instrument as provided for in section (—) of the afore-said agreement."

#### **Form.**

Form 377 will be used. A copy of the contract will be attached to each copy of the bond.

The following provision, on page 1 of Form 377, which is intended to reduce routine in extensions of time, may be waived by the approving officer if the purchaser can not furnish satisfactory surety on this basis:

"It is understood and agreed that any extension of time not beyond (*date not to exceed one year in advance*) within which the said agreement is to be completed, may be granted without securing the consent of the suret— ——— on this bond, notice of such extension being hereby expressly waived."

If the contract period is extended as permitted by this wording, the sureties should be notified.

#### **Sureties.**

Surety companies are preferred to individuals, but purchasers will not be required to furnish corporate surety.

Under the acts of August 13, 1894, and March 23, 1910, the Treasury Department issues lists of surety companies (section of surety bonds, Form 356) acceptable on Federal bonds. Only surety companies named in the latest list whose responsibility is determined by the Treasury Department, will be accepted. Copies of each issue of this list will be furnished to district foresters.

Individual sureties must be two in number, each good for the full amount of the bond. If the purchaser is a copartnership, sureties other than its partners will be required; if a corporation, sureties other than its officers or stockholders will be required. The responsibility of all individual sureties will be established by the supervisor, who will file a record of his findings with the papers in each case. The minimum requirement for each surety will be the possession of property, over and above all legal liabilities and exemptions and subject to sale on execution, worth at least the amount named in the bond.

#### **Liability of Surety.**

The liability of the surety is limited to damages arising from violations of the terms of the contract and may not exceed the amount of the bond. Clause 15 of Form 202, covering liquidated damages, will be construed to apply to parts of the sale area upon which some cutting has been done, not to parts left untouched. Damages from leaving solid bodies of timber uncut are never liquidated in advance, but must be shown, by a determination of stumpage values at the time of sale and after default, to have been actually sustained by the United States.

The procedure in appraising damages is outlined under "Enforcement, modification, and termination of agreements," pages 49 and 50.

#### **Periodic Examination.**

Bonds in Class B and C sales will be examined by supervisors, and bonds in Class D and E sales by district foresters at least once every two years to ascertain the sufficiency of the sureties. For corporate sureties it will be necessary only to determine if the company is on the latest list issued by the

Treasury Department. The responsibility of individual sureties will be determined by supervisors or by special investigation.

The sufficiency of sureties on contract bonds furnished in connection with the cutting of timber on lands of unsettled status should be checked similarly under the direction of the district forester at least every two years, and such check noted in the records of the case.

The financial standing of individual sureties will be determined whenever information is secured which indicates that they are not worth the sum named in the bond.

Whenever the surety on a bond is found to be unsatisfactory the purchaser will be required to furnish new surety acceptable to the approving officer, unless the amount of timber still to be cut and the condition of the sale area makes such action unnecessary. In the case of corporate sureties the matter will be reported to the Forester for consideration with the Treasury Department.

#### **Evidence of Authority.**

Evidence of the authority of a person signing a bond as principal or surety on behalf of a corporation will be secured when required by the instructions under "Execution and approval of agreements and bonds," page 45, and filed with the original agreement.

## **11. EXECUTION AND APPROVAL OF AGREEMENTS AND BONDS.**

#### **When Submitted.**

The agreement, and bond if required, will not be submitted to the successful bidder for execution until assurance is received that the deposit required with the bid has been made, and satisfactory evidence of financial standing, as required under "Award and monopoly," page 38, and "Financial standing of purchasers," page 39, has been furnished.

#### **Prompt Execution Required.**

Every reasonable effort will be made by the responsible officer to secure prompt execution of agreements and bonds. In all large sales and in small sales when deemed advisable, a reasonable time will be specified for the execution of the agreement and bond by the successful bidder. At the expiration of this period his exclusive right to make the purchase terminates. If the agreement and bond are not executed and there is no immediate prospect of disposing of the timber at private sale the case will be closed.

#### **Form and Time of Execution.**

The variations in form of execution in sales to an individual, a partnership, or a corporation are outlined on Form 202. Two copies of the agreement and one copy of the bond will be executed. All signatures must be the same throughout and identical with the names used in the agreement and bond. Because of the necessity of referring in the bond to the date of the agreement, the bond must not be executed on a date prior to execution of the agreement.

#### **Evidence of Authority in Agreements.**

Evidence of authority of the person who executes an agreement on behalf of a corporation will be obtained:

(1) In sales of less than \$3,000 worth of timber when deemed necessary by the approving officer.

(2) In the first sale to any operator of from \$3,000 to \$50,000 worth of timber unless the executive officer who signs the agreement for a responsible corporation is known to the approving officer to be discharging regularly the functions of his office.

(3) In sales of from \$3,000 to \$50,000 worth of timber, after evidence of authority of the same executive officer has once been furnished, only when believed necessary by the approving officer.

(4) Uniformly in sales exceeding \$50,000 worth of timber.

As evidence of authority a copy of the appropriate article of incorporation, by-law, or resolution of the board of directors which authorizes the officer to



execute the papers for the company will be required in substantially the language indicated in Form 319. This copy must be certified by the secretary of the company under the corporate seal substantially as outlined in Form 319.

Such evidence; when required, will be filed with the original of the agreement.

#### **Evidence of Authority in Bonds.**

The evidence of authority of a corporate officer must clearly authorize the execution as principal of any bond which may be required.

The affixing of the corporate seal on the bond and a properly certified copy of power of attorney not older than one year will ordinarily be accepted as satisfactory evidence of the authority of an agent to execute a bond for a corporate surety. If, however, the approving officer questions the authority of an agent to act for the company, or the power of attorney is older than one year, additional authority effective on the date of execution must be obtained. In such cases a certified copy of the agent's power of attorney accompanied by a written statement from the proper officer of the company that it was in effect on the date the bond was executed by the agent will be accepted as satisfactory. The terms of the power of attorney must be broad enough to authorize the execution for a surety company of the bond required.

#### **Approval of Agreement and Bond.**

Before approval of any bond the responsibility of the sureties in accordance with the instructions under "Bonds," page 43, will be established. The legal sufficiency of the execution in class D and E sales, and other sales when desired, should be determined by the assistant to the solicitor. Two copies of the agreement and one copy of the bond will be approved, the latter to be filed with the original of the agreement. It is essential that the agreement and bond be approved on the same date.

## **12. DEPOSITS, REFUNDS, AND TRANSFERS.**

<sup>a</sup> REG. S-12. No timber shall be cut under any sale contract until it has been paid for except on the Minnesota National Forest where, until the appraisal provided for by the Act of May 23, 1908 (35 Stat., 268), has been made, cutting but not removal may precede payment by not more than 40 days. A deposit must accompany every bid for advertised timber.

Except as to moneys received for timber on the Minnesota National Forest prior to the above-mentioned appraisal refunds may, in the discretion of the Forester or district forester, be made to depositors or to their legal representatives of sums deposited in excess of amounts actually due the United States. Refunds or payments may also be made to the rightful claimants of sums erroneously collected for timber or other forest products.

Transfers of deposits from one transaction to another or from the credit of one purchaser to that of another with the written consent of the original depositor may be made by the supervisor or district forester.

#### **In sales.**

<sup>b</sup> Advanced payments will be based upon the probable rate of cutting, and ordinarily should cover the estimated cut during two months of active logging. In large sales the amount may be increased to cover a period of three months, and in small sales reduced to one month. Frequent small deposits may be accepted in class A and B sales from purchasers whose circumstances do not enable them to pay for the timber in larger installments; but the full amount will, wherever possible without hardship to the operator, be required in one deposit.

Money deposited to secure an emergency sale may be credited toward the deposit to accompany the bid. Such deposits apply on the first payment if the sale is awarded to the depositor.

Forest officers will see that no timber is cut or removed in advance of payment, and that a sufficient amount is always on deposit to insure against overcutting. In order that operations may not be delayed, purchasers will be notified well in advance when an additional deposit is required. Failure to make prompt payment upon request is cause for suspending operations, if the value of the timber cut equals the amount on deposit or may do so before a further deposit can be made.

<sup>a</sup> Regulation amended; effective Oct. 1, 1917. (45-S) <sup>b</sup> Paragraph modified; effective July 1, 1915.

<sup>a</sup> If upon receipt of the final scaling report a balance in excess of \$1 is due the Government, the entire amount should be obtained before closing the case. If the balance is \$1 or less, a further deposit will not be requested unless the amount due exceeds 25 per cent of the value of the timber included in the sale, subject to a minimum permissible balance of 24 cents. No requests will be made for balances under 25 cents.

Requests for postponement of deposits which involves cutting in advance of payment can not be considered.

#### With Bids.

<sup>a</sup> The deposits accompanying the bid will be of the same amount as the advance payment specified in the sample agreement, except in sales involving a preliminary construction period of six months or more when the maximum deposit required will be \$10,000; it being specifically provided in the advertisement and sample agreement that an additional deposit sufficient to make up the first advance payment will be made on a fixed date, which shall be not later than the beginning of the cutting operations.

#### Procedure.

Forest users, when asked to make payments, will be furnished with a form letter of transmittal properly filled out to accompany the deposit. A duplicate will be sent at once to the supervisor or prepared in his office and held in a promise file. When the original is received from the fiscal agent and recorded it will be forwarded to the payor, and the duplicate, with proper notation, sent to the ranger.

### REFUNDS.

#### Policy.

Generally speaking, all money not due the Government on any transaction will be refunded, provided the United States has suffered no damage from violations of the agreement or permit.

Deposits to accompany bids will be refunded if the sale is awarded to another. Purchasers who have complied with the terms of their contract and cut all designated timber on the sale area are entitled to refund of any balance on deposit. When an agreement is canceled a refund of the amount not due the United States, after any damages have been compensated, will be made.

If a purchaser who has deposited money on a timber sale violates his agreement an amount sufficient to cover the damages incurred by the United States will be withheld from a refund otherwise due.

Sales under which a balance of over \$1 is due the purchaser will not be closed without filing a written explanation of such action with the records of the case. Refunds of \$1 or less will not be made unless requested by the purchaser.

Refunds to depositors or payments to the rightful claimants may be made of sums erroneously collected.

#### Procedure.

<sup>b</sup> The supervisor will prepare a Form 5a voucher in duplicate and a Form 24b to cover the refund. He will see that the amount and date of each deposit, the amount and value of the timber cut, and the statement of any damages to the United States are correct. The proper case designation will be given so that the transaction can be identified with certainty. Refunds can be made only to the original depositor or his legal representative. In the latter case an exemplified copy of letters testamentary or of administration must accompany the voucher. Where money is erroneously collected, however, payment may be made to the rightful claimant. <sup>b</sup> The original voucher will be executed by the depositor or his legal representative, or the rightful claimant, and the correctness of the amount certified by the forest supervisor, who will transmit the voucher, accompanied by Form 24b, to the district forester for approval. The supervisor will then enter the refund on the record card in the case as though already made.

<sup>b</sup> No notice of refunds other than the return of Form 24b stamped "paid" will be sent to the supervisor. He will be notified of refund vouchers not approved and should strike the refund entries from the card records.

<sup>a</sup> Paragraph added; effective July 1, 1915. (46-S) <sup>b</sup> Sentence modified; effective Jan. 1, 1916.



## TRANSFERS.

### Policy.

Deposits may be transferred with the written consent of the payer to his credit on another transaction of the same or different kinds. Deposits may be transferred to the credit of another person with the written consent of the original depositor.

### Procedure.

<sup>a</sup> Proper notations will, in each case of transfer, be made on the card records, and a copy of the application for transfer of deposits will be forwarded immediately to the district fiscal agent.

The following form, with required modifications, may be used whenever necessary.

#### *Application for transfer of deposits.*

(Case designation.)

..... of .....  
(I or we) (Name) (Town) (State)  
purchaser.. of the timber in the above designated timber sale, .....  
National Forest, respectfully state that ..... have deposited in connection  
(I or we)  
therewith the sum of \$.....; that..... have cut thereunder timber of the  
(I or we)  
value of \$....., which is all the timber designated for cutting on the area in-  
cluded in said sale, and that all the terms of the contract have been fully complied  
with. ...., therefore, request that the balance of \$....., due as an over-  
(I or we)  
payment in said sale, be transferred to ..... credit .. on .....  
(my, our, or the) (of) (my, our, his  
..... timber sale of ..... on said National Forest.  
(or their) (Date)

Signed in duplicate this ..... day of ....., 19...

.....  
(Signature)

Approved at....., ....., 19...

(City) (State) (Date)

.....  
(Signature of approving officer)

.....  
(Title)

## 13. EMERGENCY SALES.

REG. S-13. Timber may be sold in amounts exceeding \$100 in advance of advertisement in cases of unusual emergency.

An unusual emergency exists if the applicant is in immediate need of timber for his own use or if immediate cutting is necessary on account of climatic conditions or logging requirements.

Where any competition is probable emergency sales will be made only when the need of the applicant is so serious as to justify giving him preference over other bidders in the award of the timber.

<sup>a</sup> The Forester will approve requests for emergency sales of more than 5,000,000 feet b. m. and all applications when the sale of the total amount being advertised must be approved by him. In other cases the request will be approved by the district forester. The emergency sale agreement will be approved by the officer having authority to approve sale agreements for the total amount of timber being advertised.

### Policy.

Forest officers will encourage purchasers to apply for timber far enough in advance to make emergency sales unnecessary. All practicable means will be employed to discourage these sales. (See under "Advertisements—general notice.") Where necessary, however, emergency sales may be allowed under the conditions named in the regulation. Emergencies so serious as to warrant cutting in advance of advertisement where competition is possible will rarely occur.

### Provision for Other Bidders.

Whenever an emergency sale is justified and competition is probable, sufficient timber should, if possible, be advertised to satisfy other bids which may exceed that of the applicant. Awards should be made if practicable to the applicant and to any persons who have outbid him, at the highest price offered by any bidder. The applicant for advance cutting must, however, be given first consideration in the award, provided that he will contract for all the timber advertised, whether cut or uncut, at the highest price bid in good faith.

<sup>a</sup> Paragraph amended; effective Apr. 1, 1916.

<sup>b</sup> Paragraph amended; effective July 1, 1916.

#### Limitation in Amount.

An emergency sale does not authorize the applicant to take all the timber applied for at the highest rate bid, but only such timber as is cut before the completion of the advertisement. In no case will the applicant be allowed to cut timber in excess of his deposits. If the only bid or the highest bid is from the applicant and is accepted the supervisor may, if a sufficient amount is deposited, allow cutting to continue after the expiration of the advertisement and until the contract is executed. A bid must be submitted by the applicant, and a contract providing for payment at the highest price bid executed upon presentation; otherwise cutting will be suspended until these requirements are met.

#### a Procedure.

Applications for emergency sales will be submitted to the district forester, who will pass on them unless the emergency sale will be part of a Class E sale or unless the amount is more than 5,000,000 board feet, in which cases the district forester will submit the application to the Forester for approval. The application should, whenever possible, be in the form of an executed emergency sale agreement, but when necessary a letter or telegram may be substituted. All applications should state the amount and location of the timber, the stumpage rates at which it will be advertised, and the conditions creating an emergency. The emergency sale agreement will be approved by the supervisor, after the application has been passed on by the district forester, if the total amount of timber being advertised is within the supervisor's authorization to approve sale contracts. Otherwise the emergency sale agreement will be approved by the district forester if the total amount being advertised would constitute a Class D sale, or by the Forester if the total amount being advertised would constitute a Class E sale.

#### Form.

##### *Emergency sale agreement.*

(Case designation.)

....., of .....  
(I or we) (Name of purchaser) (City)  
....., hereby apply for an emergency  
(State)  
sale of approximately .....  
(M feet b. m., cords, etc.)  
on the ..... National Forest, .....  
(State)

to be definitely designated by a forest officer before cutting begins within the area described in the sample agreement attached and made a part hereof. In consideration of the granting of said privilege, .....

(I or we)  
promise and agree to deposit with the .....  
National Bank of .....  
(City) (State)

(United States depository), to be placed to the credit of the United States, in advance of cutting, a sum sufficient, in the judgment of the forest officer in charge, to cover the estimated value of all such timber as may be cut hereunder prior to notice of the award of the sale of the timber described in the attached sample agreement; and to submit, in accordance with the directions in the notice of sale, a bid of not less than the specified minimum rate (or rates), and further to pay said depository for all the timber cut as aforesaid, at not less than the minimum rate (or rates) named in the said notice of sale, or, if a bid higher than the minimum rate (or rates) is received, at the rate (or rates) of said bid. And ..... further promise and agree to cut and remove said  
(I or we)

timber in strict accordance with all and singular the rules, regulations, and provisions set forth in the attached sample agreement, except as specified herein, and such modifications thereof as may be made by the approving officer.

A deposit of ..... dollars (\$....) has been sent to said depository to cover the estimated value of the timber to be cut hereunder.

Signed in duplicate this .... day of ....., 19....

(Corporate seal, if corporation)

(Signature of purchaser)

Approved at ....., under the above conditions, ....., 19....

(Signature of approving officer)

(Title)



## 14. SPECIAL USES IN SALES.

By the terms of a standard contract clause under the head "Occupancy and Improvements," Form 202, forest officers may to the extent required by National Forest interests control the construction and use of improvements in connection with timber sales (1) by verbal requirements, (2) by written requirements in letter form, or (3) by written requirements in permit form.<sup>a</sup> As a general practice requirements will be placed in writing. Formal permits will be issued only for the more important improvements, when requested by the purchaser or necessary in the judgment of the supervisor.

Whenever desirable, provision for particular uses may be incorporated specifically in the sale contract. Requirements of special importance to the Service in connection with the use of logging improvements or which involve considerable outlay on the part of the purchaser should always be stated in the contract. Permits may subsequently be issued in conformity with the contract clauses if desirable to secure the most efficient enforcement of such requirements.

<sup>a</sup> Sentence modified; effective Jan. 1, 1916. (48-S<sup>1</sup>)





## 15. ENFORCEMENT, MODIFICATION, AND TERMINATION OF AGREEMENTS.

### ENFORCEMENT OF AGREEMENTS.

#### Enforcement Required.

No forest officer is authorized to sanction the violation of any part of a timber-sale agreement. A forest officer can not properly enforce the agreement unless he has a copy and is familiar with its terms.

So far as possible, friction in the enforcement of agreements should be avoided by thorough discussion of their terms with purchasers and by adapting their requirements as far as the interests of the Service will permit to the practical conditions and methods of operation. Requirements found by experience to be unreasonable or impracticable should be modified as far as the instructions under Regulation S-14 will permit. Drastic action will not be taken until every other recourse has been exhausted. The highest officers of the purchasing company should be warned in advance. The sureties on bonds will be informed of serious infractions of sale agreements and asked to assist in securing compliance.

#### Remedial and Disciplinary Measures.

The following measures are possible in the enforcement, modification, and termination of agreements:

1. Modification, where full performance of the agreement is inequitable and unjust because of some act of the United States, or where, as to the unexecuted portion of the agreement, modification will not be prejudicial to the United States. (See Reg. S-14.)

2. Requests for compliance with the contract, followed by warnings and enforcement of the penalty scale. Requests for compliance will, when necessary, be carried to the highest officials of the purchasing company and to the surety on the bond.

3. Suspension of operations, after due warning, when the violations are serious and persistent and when less drastic methods have proved ineffective.

4. Affording sureties an opportunity to complete the contract, in the case of abandonment or repudiation by the purchaser, or where the contract requirements have not been fully performed prior to its expiration and the purchaser is unable or unwilling to perform them.

5. Cancellation of contract—(1) for serious and continued violation; (2) when requested by the purchaser and of advantage to the United States; or (3) when requested by the purchaser and required in equity to him by a review of conditions existing at the date of sale. (See Reg. S-15.)

Contracts will be canceled only when the purchaser is willing to compensate the United States for any damages sustained as a result of the sale, including payment for all timber cut, reduction in value of uncut timber due to the purchaser's operations, disposal of slash, etc. This method of terminating a sale will thus be used ordinarily only when the purchaser and the Government reach an agreement on the settlement of damages and court action is unnecessary.

6. Action for breach of contract, for violations of an aggravated nature, or when damages due the United States can not be secured otherwise. (See Reg. S-16.)

#### Damages.

When it is necessary to determine if damages have resulted from the violation of sale agreements, the operations of the purchaser will be checked with reference to the specific clauses involved. The following are the more common kinds of damage:

1. Merchantable timber cut and not paid for. Determine the amount and value by species of (1) designated trees; (2) undesignated trees.

2. Designated trees left uncut. Determine amount and value by species of designated timber left on portions of the sale area which have been logged.

3. Parts of sale area left uncut, whether timber is marked or unmarked. Determine amount and value, by species, particularly any reduction in value due to the operations of the purchaser.

4. Merchantable material wasted in tops and stumps. Determine amount and value by species.

5. Young growth and standing trees which have been killed or seriously injured. Determine amount and value by species.

6. Brush and refuse left on the sale area in violation of the agreement. Determine the cost of proper disposition.

7. Service expenditures necessary because of failure on the part of the purchaser to require employees to prevent or fight fires.

8. Damage to telephone lines and other improvements not repaired and the estimated cost of repairs.

Any other damage directly attributable to a violation of the sale agreement should be covered.

Damages will be appraised with the utmost care and impartiality, and no item will be included which can not be conclusively established. Reports should discuss fully each item of damage, indicating the provision of the agreement violated, the amount of damages sustained, and the method of appraisal used.

<sup>a</sup> When the cancellation of an agreement is sought under provision 2 of Reg. S-15, the cost of making a resale of the remaining timber, i. e., the cost of reappraisal and readvertisement, should be reported. If an immediate sale is not probable and the present value of the timber is ascertained by appraisal rather than readvertisement, the cost of a resale will be taken to be the estimated costs of reappraisal and readvertisement, based upon the costs incurred in the original sale as far as they are applicable.

#### Principles Upon Which Damages Will Be Determined.

Injury to timber or young growth resulting from practical logging requirements under methods permitted by the agreement will not ordinarily be considered in appraising damages. Similar injuries, due to unintentional oversight or carelessness, may be ignored if of slight or unimportant extent. Damages resulting from flagrant or willful disregard of the contract requirements or from serious failure to comply with them should, however, be assessed in full.

Appraisals of merchantable timber will be made in accordance with the Manual on Stumpage Appraisals. Appraisals of immature growth will follow the instructions under "Fire trespass."

### MODIFICATION OF AGREEMENTS.

REG. S-14. Modification of timber sale agreements will not be allowed except in cases where the full performance of the agreement by the purchaser is rendered inequitable by some act of the United States or where the modification is sought in respect to the unexecuted portion of the agreement and will not be injurious to the United States. Modifications, where proper under this regulation, may be made by the officer approving the sale or by his superior officer.

#### How Used.

Modifications will be used to make the terms of sale more equitable either to the purchaser or the United States where this can be done without injury to either. Purchasers should not, however, enter into agreements with the belief that they can be modified without substantial reasons.

#### Extension of Time.

Extensions of time affecting either the dates within which specified amounts of material are to be removed or the final contract date will not be allowed for speculative purposes. They may be approved to prevent hardship to purchasers caused by emergencies or conditions over which they have no control, such as severe market depressions.

In recommending an extension of the final contract date the responsible officer will decide whether the existing price is sufficient and whether the agreement should be modified with reference to existing conditions on the sale area and the methods of marking, scaling, utilization, or sale administration.

There are two means of extending the final contract date:

1. Waivers of time limits, for short extensions affecting small amounts of timber, which do not require other modifications in the contract or the consent of the sureties on the bond. Waivers may be made under the form of the bond which permits extension without the consent of the surety or where the sale area is in such satisfactory condition that a bond is no longer needed to cover the small amount of timber remaining uncut. Small sales will ordinarily fall within this class.

2. Formal modifications, for extensions not covered by the above.

<sup>a</sup> Paragraph added; effective Oct. 1, 1915. (50-S)



#### **Postponement of Payments.**

Postponement of payments which involves cutting timber in advance of payment will not be allowed.

#### **Correction of Sale Boundaries.**

Sale boundaries may be modified: (1) In case of error in the original layout of the sale; (2) when of material advantage to the Government and the purchaser; or (3) in emergencies where not injurious to the interests of the United States. Such modifications should ordinarily be restricted to reductions or small additions in the amount of timber covered by the sale. Additions involving more than \$100 worth of unadvertised timber can be made only after advertisement and should usually be handled as new sales.

#### **Procedure.**

<sup>a</sup> No forest officer has authority to modify any agreement verbally. Waivers of time limits will be made on Form 496. Other modifications in unadvertised sales will be approved by letter or by use of the form given below where advisable. If, in any sale, a contract clause relating to advance payments, periodic cuts, logging methods, brush disposal, or similar conditions of the sale, expressly provides that its terms may be changed in writing by a forest officer, the modification may be effected by a letter from the proper forest officer to the purchaser indicating clearly the manner in which the clause is changed. For all other modifications the form given below will be used.

<sup>a</sup> Where a bond has been furnished the consent of sureties must be secured before any modification of agreement is approved, unless such consent is specifically waived in the bond itself, or unless the modification affects a small amount of material, and the sale is in such satisfactory condition that the continuation of the bond is unnecessary. The consent of sureties also need not be secured when the clause of the contract to be modified specifically provides that its provisions may be changed in writing by a forest officer. However, a copy of the forest officer's letter to the purchaser covering the modification should be sent to the sureties, or their attorney in fact.

In unadvertised sales all modifications, including waivers of time limits, will be prepared with two carbons. The original will be forwarded to the purchaser and the carbons filed with the supervisor and ranger.

Modifications in advertised sales, including waivers of time limits, will be prepared in quadruplicate and executed and approved in duplicate. A fifth copy will be prepared for the Forester's files in modifications approved by him. The original will be retained in the district forester's files in Class D and E sales and in the supervisor's files in Class C sales. The duplicate is for the purchaser, the third copy for the supervisor or district forester, as the case may be, and the fourth for the officer in charge of the sale. Dates and signatures will be entered on all retained copies.

Consent of sureties will be prepared in duplicate. The original only will be executed and filed with the original of the modification. The duplicate will be filed in the supervisor's office in Class D and E sales and in the district forester's office in Class C sales.

Evidence of authority of the person who signs either the application for modification or the consent of surety on behalf of a corporation will be obtained when necessary, in the judgment of the forest officer having jurisdiction or when required by the instructions under "Execution and approval of agreements and bonds," pages 44 and 45.

<sup>a</sup> In all cases applications to modify agreements and drafts of letters changing requirements of clauses in contracts when the clauses provide that this may be done will be submitted by or through the district forester to the district assistant to the solicitor for legal review before approval. Modifications by letter in Class A and B sales and waivers of time limits on Form 496 need not be submitted.

Modifications will be approved by the officer having authority to make the sale or by his superior. The application and consent of sureties will be approved on the same day. Modifications must be formally approved before the date of expiration of the original agreement. This is desirable but not necessary in the case of waivers.

#### **Forms.**

Time limits will be waived on Form 496.

<sup>a</sup> The following form, varied as required by conditions, will be used in making all modifications that are not authorized to be made by letter or on Form 496:

Application for modification of agreement.

(Case designation.)

\_\_\_\_\_ of \_\_\_\_\_, State of \_\_\_\_\_  
(I or we.) (Name of applicant.)  
purchaser of timber in the above-designated case, \_\_\_\_\_ National  
Forest, request that clause \_\_\_\_\_ of the agreement, signed in duplicate  
by \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and approved by the  
(Me or us.)  
\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, be modified to read as follows:  
(Title of approving officer.)  
"\_\_\_\_\_"

If this application is approved, \_\_\_\_\_ do hereby agree to cut and remove  
(I or we.)  
said timber in strict accordance with all and singular the terms and provisions  
of the aforesaid contract, except as herein modified.

<sup>1</sup> \_\_\_\_\_ further agree that if this application is approved a certain bond,  
(I or we.)  
executed by \_\_\_\_\_ as principal, and \_\_\_\_\_ and \_\_\_\_\_,  
(Me or us.)  
as suret\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and  
approved by the \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
(Title of approving officer.)

which was given to the United States of America to insure faithful compliance  
with the terms of the aforesaid contract, shall bind \_\_\_\_\_ and said suret\_\_\_\_,  
(Me or us.)  
and \_\_\_\_\_ and \_\_\_\_\_, heirs, executors, administrators, successors,  
(My or our.) (Its or their.)  
and assigns in the same manner as if said modifications had been included in  
the original contract, to insure compliance with which said bond was given.  
Signed in duplicate this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Corporate seal, if corporation.)  
Witnesses:

\_\_\_\_\_  
(Signature of purchaser.)

Approved at \_\_\_\_\_, under the above conditions \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
(Signature of approving officer.)

\_\_\_\_\_  
(Title.)

The following form will be used for the consent of sureties:

*Consent of sureties.*

(Case designation.)

KNOW ALL MEN BY THESE PRESENTS, That whereas we, \_\_\_\_\_,  
(Name of surety must be same as in bond.)  
of \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, of  
(City.) (State.)  
\_\_\_\_\_, \_\_\_\_\_, are sureties on a certain bond in  
(City.) (State.)  
the sum of \_\_\_\_\_ dollars (\$\_\_\_\_\_), dated at \_\_\_\_\_, \_\_\_\_\_, on \_\_\_\_\_, \_\_\_\_\_,  
19\_\_\_\_, and given to the United States of America by \_\_\_\_\_, of  
(Name of purchaser.)  
\_\_\_\_\_, a corporation organized and existing under the laws of the  
(Address of purchaser.)  
State of \_\_\_\_\_, \_\_\_\_\_, and having an office and principal place of business  
in \_\_\_\_\_, \_\_\_\_\_, to insure faithful compliance with the terms of that certain  
timber-sale contract signed in duplicate by \_\_\_\_\_, on the \_\_\_\_\_ day  
(Name of purchaser.)  
of \_\_\_\_\_, 19\_\_\_\_, and approved by \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_; and  
(Title of officer.)

Whereas the said \_\_\_\_\_ has by an instrument in writing dated the  
(Name of purchaser.)  
\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, made application to the \_\_\_\_\_  
(Title of officer who will approve modification.)  
to have that part of said contract reading "\_\_\_\_\_"  
modified to read "\_\_\_\_\_" and has promised and

<sup>1</sup> Omit when bond has not been furnished.



agreed, if said application is approved, to cut and remove said timber in strict accordance with all and singular the terms and provisions of the aforesaid contract as modified by the conditions set forth in said application.

Now, therefore, we, the said ..... and ..... sureties as aforesaid, do hereby join in said application, and agree that if the same is approved our bond shall bind us, our heirs, executors, administrators, successors, and assigns, and each and every one of us and them, jointly and severally, in the same manner as if said modification had been included in the contract to insure compliance with which our bond was given.

Dated at ....., this ..... day of ....., 19...  
(Same date as execution of application.)

..... [SEAL.]  
(Surety.)  
(Corporate seal, if corporation.)  
..... [SEAL.]  
(Surety.)

STATE OF .....,  
..... County, ss:

On this .... day of ....., 19..., before me, ....., a notary  
(Name of notary.)  
public in and for ....., residing therein, duly sworn  
and acting under a commission expiring ....., 19..., personally appeared  
....., known to me to be the ..... of the  
(Name of surety.) (Title.)  
....., the corporation that executed the above instrument,  
(Name of surety company.)  
and known to me to be the person who executed the above instrument in behalf of said corporation, and acknowledged to me that the said corporation executed the above instrument voluntarily for the uses and purposes therein specified.

(Notarial seal.) ..... (Notary public.)  
Approved at ....., 19...  
(City.) (State.) (Date.)  
.....  
(Signature of approving officer.)  
.....  
(Title.)

N. B.—The italicized words in the form of consent of sureties will be stricken out when executed by individuals and not by corporations.

Whenever an extension of time in the above form is desired, clause 1 of the contract Form 202, with the changes proposed will be inserted after the words "to read as follows." If the modification is conditioned upon an increase in price, the following should be added as part of the sentence following the modified clauses, "and further, to pay for all timber not cut during the time specified in said agreement at the rate of \$..... per ..... in advance payments as set forth in said agreement.  
(M feet b. m., etc.)

ment.

### COMPLETION OF AGREEMENTS BY SURETIES.

In case of abandonment or repudiation of agreements or where the purchaser is unable or unwilling to satisfy requirements essential to prevent loss to the United States, the surety will be given opportunity to complete the sale. Sureties should be notified of the status of the sale and formally requested to complete the agreement if they desire, in writing, by the district forester in Class D and E sales and the supervisor in Class C sales. If the surety does not wish to carry out the agreement, the contract will be canceled or action brought for breach of contract, as the circumstances may require.

### CANCELLATION OF AGREEMENTS.

REG. S-15. Agreements for the sale of timber may be canceled: (1) For serious or continued violation of their terms; (2) when such action is of advantage to the United States or is not prejudicial to its interests; or (3) when cancellation is shown to be required in equity to the purchaser upon a review of the conditions existing at the date of sale in accordance with which its terms were fixed.

<sup>a</sup> Cancellations of the second and third class will be made only upon the application or with the consent of the purchaser. Cancellations of the first class will be made by the district forester if the amount of the sale was not more than 3,000,000 feet board measure, or its equivalent, and by the Forester if the amount exceeded 3,000,000 feet. Cancellations of the second class will be made by the officer who approved the original agreement if the remaining timber is to be resold immediately under equally or more advantageous terms; otherwise cancellations of the second class will be made as in cancellations of the first class. Cancellations of the third class will be made only by the Forester.

#### Damages.

The damages recoverable after a timber sale agreement has been canceled are ordinarily nominal. Before any agreement is canceled, therefore, purchasers will be required to clean up the sale area in accordance with the terms of the agreement, to pay for all timber cut, and to compensate the United States for any other injuries sustained.

In any case, before cancellation is considered, all damages resulting from violations of the contract must be determined by field examination. (See pp. 49 and 50.) Ordinarily, if the purchaser and surety refuse to settle voluntarily, the agreement will not be canceled, but action will be brought for breach of contract.

#### For Serious Violation.

Agreements may be canceled for serious and continued violations. Enforced cancellation of this nature will be resorted to only when it has been shown that less severe measures will not be effective.

In addition to an estimate of damages, the possibility of a ready sale of any timber left uncut and of securing compliance with the contract if allowed to continue must be ascertained. The opinion of the assistant to the solicitor on the legality of cancellation will be secured. Before final decision the purchaser will be given a reasonable and specified time to show cause why the contract should not be canceled. <sup>b</sup> If the amount of the sale was not more than 3,000,000 feet or its equivalent, final action will be taken by the district forester. Otherwise final action will be taken by the Forester. Formal notification of enforced cancellation will be sent to purchasers in all cases, through the district forester and supervisor with a copy for the files of each.

#### When of Advantage to the United States or Not Prejudicial to its Interests.

<sup>c</sup> Agreements may be canceled when the uncut portion of the sale area is to be included in a new agreement under equally or more advantageous terms to the United States, as in case of a sale of an operating plant to a buyer who wishes to secure the timber remaining uncut. In cancellations of this kind the application (form on p. 55) will not ordinarily be approved until the new agreement has been executed. The approval of the application for cancellation should then precede the approval of the new agreement.

In general, agreements may be canceled with the consent of the purchaser when the remaining timber will command a higher price if cut in connection with another sale or logging unit or when better terms as to business or silvicultural management can be secured by some other disposition. Agreements may also be canceled with the purchaser's consent if it appears that the remaining timber should not be cut on account of watershed protection or local supply.

It is allowable to cancel timber sale agreements when such action is not prejudicial to the interests of the United States if it is impossible for the purchaser to continue operations, because of conditions over which he has no control, such as loss of his plant by fire or absolute loss of the market for his product. Cancellations will be approved under such conditions only when it is clearly shown that the value of the uncut timber will not be reduced below the contract price and that the interests of the United States will not otherwise be affected adversely. <sup>d</sup> In cancellations of this kind the cost to the Government of making a resale of the remaining timber, i. e., the cost of reappraisal and readvertisement, will be included unless the cancellation is of distinct advantage to the United States.

Before cancellation is approved a field examination will be made to determine if it will result in damage to the United States. (See pp. 49 and 50.) In addition the report should contain a statement by the forest officer who recommends the cancellation, showing clearly in what manner the interests of the United States will be advanced or that such interests will not be affected adversely. The opinion of the assistant to the solicitor will be secured on the legality of the cancellation.

<sup>b</sup> Cancellations of this class will be made only upon the application or with the consent of the purchaser. If all the uncut timber is to be resold immediately under

<sup>a</sup> Paragraph amended; effective Apr. 1, 1917. (54-S)

<sup>b</sup> Sentence modified; effective Apr. 1, 1917.

<sup>c</sup> Paragraph modified; effective Apr. 1, 1916.

<sup>d</sup> Sentence added; effective Oct. 1, 1915.



equally or more advantageous terms the application will be approved by the officer who approved the original agreement; otherwise the application will be approved by the district forester if the amount of the sale was not more than 3,000,000 feet board measure, or its equivalent, and by the Forester if the sale involved a larger amount.

**When Required in Equity to the Purchaser.**

When, in the judgment of the district forester, the conditions of contract are so onerous that he believes reconsideration should be given to them in equity to the purchaser, he will report the facts to the Forester with his recommendation.

**Procedure.**

In unadvertised sales a letter signed by the proper officer will ordinarily be sufficient. For advertised sales the following form with necessary modifications will be used:

*Application for cancellation of agreement.*

(Case designation.)

....., of .....,  
(I or we.) (State.)  
purchaser.. of the timber in the above designated case by an agreement signed in  
duplicate by ..... on the ..... day of ....., 19.., and approved  
(Me or us.)  
by ..... on the ..... day of .....,  
(Name.) (Title.)  
19.., state that ..... have deposited in connection therewith the sum of  
\$.....; that ..... have cut thereunder ..... timber (of the value  
(I or we.)  
of \$.....; that all the terms of said agreement have been fully complied with) and that  
on account of the following circumstances ..... do not care to complete the sale:  
(I or we.)

.....  
..... therefore request that the said agreement be canceled, that  
(I or we.)  
..... be relieved from all further liability thereunder, and that the  
(I or we.)  
sum of ..... dollars (\$.....) remaining to ..... credit be  
(My or our.)  
(refunded) (transferred to the credit of ..... on .....  
timber sale of ....., 19..).

Signed in duplicate this ..... day of ....., 19..

(Corporation seal, if corporation.)

Approved at ..... 19..  
(City.) (State.) (Date.)

.....  
(Signature of approving officer.)  
.....  
(Title.)

The last part of the final sentence is necessary only when a balance is to be refunded or transferred.

<sup>b</sup> The number of copies of the application to be prepared and their final distribution will be the same as for a timber sale contract requiring approval by the officer who will approve the application.

**ACTION FOR BREACH OF CONTRACT.**

**REG. S-16.** Action for breach of contract may be brought for serious or continued violations of the sale agreement or where damages to the United States from violation of the agreement can not be recovered otherwise. Such action will be brought only with the approval of the Forester.

**Damages.**

Damages should cover all injuries resulting from violations of the contract, including any depreciation in the value of the timber left due to the cutting of more accessible timber. Unless a sale is abandoned or repudiated, however, a suit brought before the expiration of the contract can recover only accrued damages.

**Procedure.**

As soon as the report, with the supervisor's recommendations, is received and considered by the district forester, he will refer the record, with his own conclusions, to the assistant to the solicitor. The latter will determine the sufficiency of the evi-

necessary deposits made, and the forest officer in charge furnished with a copy of the contract. In unadvertised sales it must also be definitely known that the contract is or will be approved. In advertised sales, if other requirements are satisfied, cutting may follow execution of the agreement and need not wait its formal approval.

#### **Removal.**

The word "removed," as used in sale contracts and the closing of cases, means that the timber is so placed, whether on or off the cutting area, that it or its further handling or removal will not interfere with the administration of the Forest, require the attention of a forest officer, injure any forest growth, or be a fire menace.

### **MARKING.**

**REG. S-17. No live trees shall be cut under any contract until marked or otherwise designated by a forest officer.**

#### **Methods of Marking.**

When the sale of green timber is assured, the supervisor will see that all trees to be removed are marked or otherwise unmistakably designated. Where only dead timber is purchased and no living trees will be cut or where patches are to be cut clean, forest officers may instead of marking every tree to be removed, blaze and mark the boundary of the cutting area or patch and instruct the purchaser accordingly. Dead trees believed by the forest officer to be merchantable, but whose merchantability may be questioned, should always be marked, except where the contract contains a clause providing for the cutting of all dead timber.

When individual marking is done, standing timber will be stamped "U.S." next the ground on the lowest side of the stump. Where snow may conceal the marking from cutters, each tree should also be blazed and stamped at a point several feet from the ground. The upper mark will be placed on the timber whenever desired by the purchaser for the convenience of his fallers.

On thick-barked trees where chopping to the wood involves considerable extra work and expense, the bark may be blazed and stamped. Usually it is inadvisable to mark timber a long time in advance of cutting, but where this is necessary the wood itself should be blazed and stamped. The marking must be deep enough to preserve a distinct stamp for at least one year after cutting.

Timber should be marked when it can be done most economically, but not far in advance of cutting, and the cutover area studied carefully to check up mistakes. In no case should timber be marked outside the area designated in the contract. In a sale for a definite amount, only timber enough to yield that amount will be marked. No groups of mature trees not required for silvicultural or scenic purposes will be left on the area unless so isolated that the purchaser can not reasonably be required to log them.<sup>a</sup>

#### <sup>b</sup> **Timber Reserved for Scenic Purposes.**

Along prominent roads, on the borders of lakes, and at other points frequented by the public sufficient timber should be retained in marking to preserve the scenic beauty of the forest.

#### **Demonstration to Purchasers.**

The system of marking and the proportion of the timber to be cut should be explained to purchasers by marking sample areas before the contract is executed. While the desires of purchasers must be carefully considered, the silvicultural needs of the Forest must take precedence over other considerations. The cost of logging under the methods of marking adopted should be compensated fully in the stumpage appraisal.

Since the marking of green timber is the most important work on any sale, it is essential to supplement written instructions by demonstrating to forest officers on the ground how marking should be done.

#### **District Marking Board.**

As the standard practice in large sales, a marking board, consisting of the district forester or chief of silviculture, the forest supervisor, the forest examiner or assistant attached to the Forest concerned, and the officer who is to be in charge of the sale, will mark representative areas and establish the methods to be followed in the sale. The director of the experiment station

<sup>a</sup> Sentence modified; effective Jan. 1, 1916. (58-S) <sup>b</sup> Instructions added; effective Jan. 1, 1916.



or a member of his staff should serve on the marking board whenever practicable and any other officers of special qualifications or experience whom the district forester may designate. The action of the board will be binding upon forest officers doing the marking, and no change in methods will be made without the approval of the district forester.

#### **Marking by Supervisors.**

Personal marking by supervisors and deputies should take precedence over ordinary administrative routine; and supervisors or deputies should assist in the first marking on important sales. Supervisors, either personally or through their deputies, are required to check marking frequently to make sure that it is being properly done.

#### **Experienced Men for Marking.**

Every advantage should be taken in marking of the services of men of technical training; but no men without timber-sale experience will be placed in charge of important marking work.

On all Forests having considerable sales work the aim will be:

(1) To establish definite standards of satisfactory marking, checked and approved by the district forester or chief of silviculture.

(2) To train a sufficient number of officers in marking in accordance with such standards, under experienced direction.

(3) To assign men to mark timber independently only after they have shown by actual marking with experienced officers, thorough understanding of the methods and standards established for the Forest.

The district foresters will see to it that marking practice and personnel are developed in these ways on all important timber-sale Forests.

#### **Check Marking.**

It is advisable for a forest officer familiar with the original marking to check the marking before the sawyers leave a logging unit, in order to designate additional trees which were overlooked. Similar checks are desirable just before the sawyers reach a logging unit, to mark additional timber or cancel the marks on trees which should be left.

#### **Witness and Line Trees.**

Witness trees or any trees blazed to mark the line of an official Government survey will never be marked or otherwise designated for cutting.

### **SCALING.**

**REG. S-18.** No timber cut under any contract shall be removed from the place designated until it has been scaled, measured, or counted and stamped by a forest officer, unless such removal is specifically authorized in the agreement.

No person except a forest officer shall stamp any timber belonging to the United States upon a National Forest with the regulation marking ax or any instrument having a similar design.

<sup>a</sup> The cubic volume rule and the Scribner Decimal C log rule, both as used by the Forest Service, are the official rules for scaling National Forest timber.

Unless timber is sold on estimate, it must be scaled, counted, or measured before it is removed from the cutting area, or from the place agreed upon for this purpose.

#### **Scale Rule.**

<sup>b</sup> All saw timber will be scaled by the Scribner Decimal C log rule or measured by the cubic foot. The Scribner Decimal C log rule drops the units and gives the contents of a log to the nearest 10 board feet. One cipher added to the sum of the numbers read from the scale stick gives the total scale of the log, except in the case of 6 and 8 foot logs, 6 and 7 inches in diameter. These are given as 0.5, which multiplied by 10 gives 5 feet as the actual scale.

In the absence of a scale stick, or where the position of logs in the pile makes its use difficult, their diameters and lengths may be tallied and the scale figured from a table later, fair allowance being made for defect.

<sup>a</sup> Paragraph amended; effective Oct. 1, 1916. (<sup>59-S</sup>) <sup>b</sup> Paragraph modified; effective Oct. 1, 1916.

45, 46, and 47.

**Overrun.**

Purchasers should be informed that the Forest Service makes no assurances whatever as to amount of overrun.

**Requirements of Purchasers.**

In order to permit scaling at reasonable cost, purchasers may be required, where the cost of logging will not be unduly increased, to hold logs for scaling. This requirement should be covered by a specific clause in the contract. On the other hand, methods of scaling should, so far as practicable, be adapted to the operating methods of the purchaser. (See standard clauses ~~20, 30, and 32~~, p. 27.)

The forest officer should insist on having piles or skidways constructed so as to permit economical scaling.

When necessary and practicable, the purchaser will be required to mark top ends of logs to avoid question when they are scaled in the pile.

**Numbering Logs.**

Every log scaled must be numbered with crayon, even though it will be sawed immediately or rolled into water, unless this requirement has been specifically waived in writing by the district forester upon conclusive showing that numbering will answer no useful purpose. The scale of the log will be entered opposite this number in the scale book.

**Check on Total Number of Logs.**

The logs in each pile or skidway will be counted after scaling, and the number checked with the entries in the scale book.

**"Stamping Logs.**

Every merchantable log scaled will be stamped "U. S." on at least one end. Logs so defective as to be unmerchantable for any product under the terms of the contract will be plainly marked in one of the following ways as prescribed by the district forester: (1) with the U. S. stamp and a circle around

the stamp thus (U. S.); (2) with the word "Cull" and the initials of the scaler.

**Log Lengths in Scaling.**

On all National Forests except those in Alaska and west of the summit of the Cascade Mountains in Washington and Oregon, logs over 16 feet long will be scaled as two or more logs, as far as practicable in lengths of not less than 12 feet. <sup>b</sup> Exception to this requirement is also made for 17 and 18 foot mining timbers on the Black Hills Forest, which will be scaled as one log.

**Special Rule for Alaska and West Slope of Cascades.**

On the National Forests in Alaska and west of the summit of the Cascade Mountains in Washington and Oregon, logs up to and including 32 feet in length will be scaled as one log; lengths from 34 to 64 feet, inclusive, will be scaled as two logs as nearly equal in length as possible in even feet. Greater lengths than 64 feet will be scaled as three logs, making the divisions as nearly equal as possible in even feet, and increasing the diameters according to the taper of the log.

When logs are scaled as two or more logs, the scale allowed for the separate lengths will be added and the total sum recorded as one log.

**Ties.**

Hewn ties will, as the standard practice of the Forest Service, be sold by the piece. They may be scaled or counted and the number multiplied by the average scale in exceptional cases where deemed advisable.

**Shakes and Shingle Bolts.**

Shake and shingle-bolt material will be measured by the cord or by the thousand feet board measure, in accordance with local custom. As a rule, a cord of shingle bolts will be considered equal to 600 feet b. m.

**Lagging.**

Lagging may be measured by the cord, linear foot, or piece, or, where split lagging is used, by the board foot, each cubic foot being equivalent to 12 board feet. Sales by the piece or linear foot will be the standard practice.

<sup>a</sup> Instructions modified; effective Oct. 1, 1916. (60-S)

<sup>b</sup> Sentence added; effective Oct. 1, 1916.



#### Poles, Posts, etc.

Poles, posts, piling, converter poles, telephone poles, stulls, and mine props may be scaled, sold by the linear foot, or sold by the piece, as circumstances warrant.

#### Stamping Material Other than Saw Timber.

When scaled, measured, or counted each stick of mine timbers, ties, posts, poles, or piling must be stamped on at least one end. This is as necessary as the stamping of each saw log. Cordwood must be stamped at both the top and bottom of each rick and at least 12 pieces in each cord must be stamped.

#### Scaling Material Left in the Woods.

In order to cover fully the more or less intangible damage to the United States, in addition to that commonly recognized and easily proved, which results from leaving material in the woods or cutting contrary to the terms of the contract, Form 202 provides in clause 15 for liquidated damages rather than a penalty. Its enforcement is necessary except in accidental or exceptional cases involving small amounts of timber, where it may be waived by the officer in charge. Whenever material waste subject to clause 15 occurs, the officer in charge will notify the purchaser, calling his attention to the utilization required by the contract. If further waste occurs, or if material previously left in the woods whose utilization is practicable is not removed, a penalty scale should be made and reported to the supervisor. Such material should be scaled as promptly as practicable and in any case immediately after the completion of operations upon a logging unit.

Material subject to clause 15 will be scaled, stamped, and numbered in the same way as in the regular scale, and recorded as indicated under "Penalty scale reports."

#### Check Scaling.

The fundamental purpose of check scaling is to avoid errors in the regular scale by indicating its accuracy and particularly by the instruction of scalers on the ground. The organization of check scaling will be designed primarily to make and keep current scaling efficient.

So far as practicable, a check scale should be made at least once a year on every sale of 1,000,000 feet or more.

<sup>a</sup> Ordinarily a check scale on sound logs should come within 1 per cent of the original scale; on logs up to 10 per cent defective, within 2 per cent; on logs 11 to 20 per cent defective, within 3 per cent; and on logs over 20 per cent defective, within 5 per cent. As far as practicable the check scale should be made under the same conditions as the original scale. These percentages are intended simply as approximate standards of satisfactory scaling for the guidance of forest officers, not as a basis for changing the original scale.

<sup>b</sup> The findings of check scalers will be reported uniformly to the district forester. The original scale will be modified only when found to have been fundamentally wrong, and it is clear that serious injustice has been done to the purchaser, and only with the approval of the district forester.

In check scaling as many logs as practicable will be scaled after they have been scaled by the officer in charge and without knowledge of his scale. The check will then be compared with the original scale. The log numbers of the original scale and log lengths will in each case be recorded in the check scaler's book, and the pages cut out and filed in the supervisor's office with a copy of the check scaler's report.

<sup>c</sup> Check scale figures may be submitted in the form considered most satisfactory by the district forester for the analysis. The following summary form will be found satisfactory in most cases:

	Sound logs.			Defective logs.			Total.		
	Number of logs.	Scale.	Per cent + or -.	Number of logs.	Scale.	Per cent + or -.	Number of logs.	Scale.	Per cent + or -.
Scale.....									
Check scale.....									

Any feasible plan may be adopted by supervisors to check the count or measurement of material other than saw timber.

<sup>a</sup> Paragraph modified; effective Oct. 1, 1916. (61-S)

<sup>b</sup> Sentence added; effective Oct. 1, 1916.

<sup>c</sup> Sentence modified; effective Oct. 1, 1916.

## Settlement of Complaints.

Complaints should be settled by a check scale. If the results of the first check are questioned upon apparently good grounds, a second check should be made by another scaler. It is the policy of the Forest Service to ascertain the justice of complaints by a rescale conducted by a more competent and experienced man, not by lumber tallies or mill checks on the log scale. Complaints will be settled by mill checks only in extreme and exceptional cases where required by the defective character of the logs or other special local conditions.

## Mill Scale Studies.

Mill scale studies should also be made to obtain accurate data on lumber yields and overrun by grades, for use in stumpage appraisals. Wherever practicable, especially in the case of defective timber, logs should be followed through the mill by the scaler to see how they "open up," in order to train his judgment in allowing for defects and other features of scaling.

## RECORDS AND REPORTS.

### Scale Books.

<sup>a</sup> The scale of logs or other material will be entered by scalers directly into the scale book, Forms 231, 285, 651, 648, or 223, and by check scalers into the comparative scale book, Form 122. Scale records will not be entered in other notebooks or on loose slips of paper to be transferred to scale books later, except under exceptional conditions where the cost of scaling would otherwise be materially increased or the purchaser seriously inconvenienced. Temporary scale records must be transferred to the regular scale book as soon as practicable and the temporary record fastened permanently to the page of the scale book on which the entries are made. The original scale books will be kept in supervisors' offices in all advertised sales, and in the ranger's office in unadvertised sales.

Separate scale books will be kept in large sales for material covered by penalty scale, and a separate record in small sales. A single scale of all classes of such material will be entered in this record, but a separate scale must be carried of each class subject to a separate charge. Each set of entries should be given a heading indicating this charge. The following may occur:

Material not previously scaled, to be charged for at double the stumpage rate.

Material not previously scaled, to be charged for at the regular or single stumpage rate.

In exceptional cases, material previously scaled and to be charged for at double rates.

The original log numbers of material in the latter class will be recorded in the penalty record, the heading indicating that the regular stumpage price has already been charged.

### Check of Scale Books.

All additions in scale books will be checked either in the supervisor's or district office, as the district forester may direct. If errors are found, the necessary corrections will be entered on a revised Form 820, supplementing the last scale report of record in the sale.

### Cutting Reports.

The forest officer in charge will notify the supervisor when cutting begins on any advertised sale. The scale in all sales will be reported to the supervisor on Form 820 and a duplicate retained in the ranger's files. In unadvertised sales only the final report need be submitted to the supervisor. In advertised sales cutting reports will be submitted while work is in progress, covering periods of one, two, three, or four weeks, as may be required by the supervisor, but ordinarily ending on Saturday. On Forests where a number of sales are in operation dates may be set upon which all cutting reports shall be submitted. So far as practicable, the wishes and needs of purchasers should be met in fixing dates for the submission of reports.

### <sup>b</sup>Penalty Scale Reports.

Reports of penalty scale should be made separately from those of the regular scale preferably by using a properly labeled set of spaces, below those giving the regular scale, on the face of Form 820 or Form 820a. If a penalty scale has been made previously but there is none for the period covered by a new cutting report it will be sufficient to carry forward only the totals of the previous penalty scales, combining all species and thus only one space on Form 820 will be needed. The circumstances of the penalty scale should be fully explained under "Remarks" or by separate letter to the supervisor, for periods during which a penalty scale has been made.

<sup>a</sup> Sentence modified; effective July 1, 1918.

(62-S) <sup>b</sup> Instructions modified; effective July 1, 1918.



#### **Check and Record of Cutting Reports.**

As cutting reports (Form 820) are received they will be compared with the timber-sales record card for errors in entries brought forward from the last report and for the correctness of the rates. All calculations will be checked and the information regarding the progress of the sale scrutinized. The date of the report, quantity of each class of material cut, reduced to feet board measure by approved converting factors, and total value of material cut since the last report and to date will be entered on the record card. The total value of the cut to date will be compared with the total deposits to prevent cutting in excess of payments.

#### **Scale Records for Purchasers.**

Unless deemed inadvisable by the officer in charge or by the supervisor, the scale of individual logs may be given to purchasers either in person or by letter. Similarly, the scale record may be opened to the purchaser at any time in the presence of a forest officer. Supervisors may in their discretion furnish approved cutting reports to purchasers on Form 820 without entries on the back or by letter.

#### **a Report of Timber Cut and Sold.**

Reports on Form 949 will be sent to the district forester by the supervisor monthly or quarterly as may be required by the district forester. This report will be mailed not later than the 5th of the succeeding month, even if no timber has been cut or sold during during the month or quarter covered by the report. It will be compiled from all Forms 615 which will not be placed in the closed records until after the preparation of this report. All timber for which payment is made, whether cut in sales, administrative use, or settlements, or scaled under the provisions for penalty scale, will be included. The date of approval of the agreement or stipulation will be taken in each case as the date of sale, even though an emergency sale may have been allowed, and the date of receipt of each cutting report will be taken as the date of cutting. All data will be checked before the report is forwarded. Green and dead timber need not be reported separately unless required by the district forester.

The amount and value of the timber cut and sold, respectively, in sales at cost under Regulation S-22 will be reported separately.

The report should include a statement of the amount of timber previously reported as sold which will not be cut, owing to cancellations or modifications of contracts during the period covered by the report. Timber resold immediately after the cancellation of a contract (see first paragraph under "When of advantage to the United States or not prejudicial to its interests" on page 54) will not be so reported nor will it be reported as timber sold.

#### **a District Forester's Quarterly Report.**

As soon as practicable after the first of each quarter the district forester will report to the Forester the amount and value of timber cut and sold, respectively, during the preceding quarter on each Forest in the district. Separate tabulations for sales at cost should be included. The report should also include a statement of the amount of timber previously reported as sold which will not be cut, owing to cancellations or modifications of contracts during the quarter.

It will not be necessary to include in this statement the "overcut" or "undercut" in sales which were closed during the preceding quarter.

#### **a Annual Report.**

The data in the monthly or quarterly reports will be compiled for use in preparing the annual statistical report.

#### **a Report on Miscellaneous Products.**

Sales of miscellaneous forest products, such as Christmas trees, naval stores, seedlings, etc., should be reported in a footnote to the quarterly and annual reports of timber cut and sold. So far as possible, however, the volumes of all classes of material should be reduced to M feet b. m. by the use of the standard converting factors.

# **Converting Factors.**

*a* The following converting equivalents will be used in reducing various products to feet board measure:

Product.	Assumed dimensions.	Equivalent in board feet.	Product.	Assumed dimensions.	Equivalent in board feet.
Long cord (acid wood, pulpwood, and distillation wood).	4' x 5' x 8'.....	625	Trestle timber.....	10'' x 20'.....	70
Cord (spruce pulpwood).	4' x 4' x 8'.....	560	Do.....	7'' x 12'.....	20
Cord (shingle bolts).	4' x 4' x 8'.....	600	House log.....	8'' x 16'.....	30
Cord (fuel material averaging 5 inches or less in middle diameter).	4' x 4' x 8'.....	333½	Do.....	7'' x 16'.....	30
Cord (fuel material averaging 6 inches or more in middle diameter).	4' x 4' x 8'.....	500	Do.....	7'' x 10'.....	15
Load (in the rough) <sup>1</sup> .	1 cord.....	333½	Mining timber.....	6'' x 10'.....	10
Pole (telephone).....	7'' x 30'.....	60	Prop.....	6'' x 10'.....	10
Do.....	9'' x 30'.....	100	Converter pole.....	4'' x 20'.....	10
Pile.....	7'' x 30'.....	60	Pole (fence).....	16'.....	8
Stull.....	10'' x 16'.....	60	Do.....	4'' x 20'.....	10
Tie (standard).....	6'' x 8'' x 8'.....	30	Lagging (6 pieces).....	3'' x 6'.....	10
Tie (2d class).....	6'' x 7'' x 8'.....	20	Cubic foot (round).....		6
Tie (narrow gauge).....	6'' x 7'' x 6'.....	15	Rail (split).....	½ pole.....	5
Do.....	7'' x 8'' x 6½'.....	25	Piece.....	6'' x 7'.....	7
Do.....	6'' x 7'' x 6½'.....	15	Stick.....	6'' x 7'.....	7
Tie.....	7'' x 8'' x 8'.....	30	Slab.....	2'' x 6'' x 16'.....	2
Do.....	7'' x 9'' x 8'.....	35	Post.....	6'' x 7'.....	7
Derrick pole.....	7'' x 30'.....	60	Post (circumference, 18 inches).....	5.7'' x 7'.....	6
Derrickset (11 pieces).....		480	Post.....	5'' x 7'.....	5
			Linear foot.....	10'' x 1'.....	3
			Brace.....	4'' x 6'.....	2
			Stay (fence).....	2'' x 6'.....	½
			Stay.....	4'' x 6'' x 2'.....	2
			Shake (roof).....	¾'' x 6'' x 2'.....	¾
			Shake (fruit tray).....	¾'' x 5'' x 32''.....	¾
			Picket.....	¾'' x 5'.....	1
			Stake (fence).....	3'' x 5'.....	1

<sup>1</sup> This refers to small irregular pieces of wood and not to material that can be ricked for measurement.

This list indicates the assumed dimensions and board-foot equivalent of each product. These converting factors will be used in the preparation of reports on timber cut and sold unless the dimensions of certain products do not approximate those assumed in the table, in which case board-foot converting factors applicable to the correct dimensions may be used. The factors given are based upon dimensions usually considered standard, and will be used uniformly for all products of these dimensions.

These factors are designed primarily for converting other products than saw timber into feet board measure for convenience in statistics. Appraisals may be made wherever desirable on any other more satisfactory basis, in accordance with the units common in local usage.

## **Summary Record.**

A summary (Form 616) of the timber business may be kept in the district office if desired, filed in front of all other record cards for each Forest. Each supervisor will, if directed by the district forester, keep up Form 616 currently for his Forest. <sup>b</sup> If required by the district forester, live and dead timber cut will be entered in separate columns. <sup>c</sup> Whenever a report on Form 949 is prepared, the quantity and value of each class of timber sold and cut will be entered on the summary card. At the end of each fiscal year the summaries by Forests will be totaled and entered upon a summary card for the district, which will be filed in front of the current record file.

## **Cost Data.**

The annual cost of timber sales during the fiscal year on each Forest will be checked with the amount of timber sold and cut, to determine whether the cost has been excessive. Occasionally it will be necessary to secure detailed figures on representative large or small sales, showing the relation of the sale cost to the stumpage price received.

## **Form of Cost Data.**

The following form should be used in reporting and recording timber sale costs. When advisable, in the judgment of the supervisor or district forester, mimeograph sheets with ruled columns may be prepared for periodic entry of the time and amount chargeable to the various cost items, particularly marking, scaling, and brush burning.

<sup>a</sup> Table modified; effective Oct. 1, 1916.

<sup>b</sup> Sentence modified; effective Apr. 1, 1917.

(64-S)

<sup>c</sup> Sentence modified; effective July 1, 1918.



(Case designation.)

**Examination:**

- (a) Salaries of men (in cents per 1,000 feet or per cord).
- (b) Supplies, transportation, etc. (in cents per 1,000 feet or per cord).
- (c) Total cost of examination (in cents per 1,000 feet or per cord).

**Office work:**

In local office (in cents per 1,000 feet or per cord).

**Field work:**

- (a) Salaries of men (in cents per 1,000 feet or per cord).
- (b) Supplies, transportation, etc. (in cents per 1,000 feet or per cord).
- (c) Brush burning (in cents per 1,000 feet or per cord).
- (d) Check scaling (in cents per 1,000 feet or per cord).

**Administration:**

- (a) Supervision (in cents per 1,000 feet or per cord).
- (b) Total cost per 1,000 feet or per cord.

Area of sale-----

Amount of timber cut-----

Species-----

Price-----

(Per cord or per 1,000 feet b. m., etc.)

Total cost of sale-----

(Per cord or per 1,000 feet b. m.)

Remarks-----

(Reasons for high or low costs. If sale is not closed, what will be the probable final cost? Are data approximate or exact?)

## STUDY OF CUT-OVER AREAS.

Observation and intensive study of cut-over areas is a regular part of timber-sale administration and should be conducted as far as possible by the timber-sale personnel. (See "Forest Investigations," p. 109.) In connection with the handling of current sales it is of special importance to check the results of former cuttings as to wind throw, efficiency of protective measures, success of reproduction, encroachment of brush, and the like.

## 17. TIMBER-SALE PROCEDURE.

**Authority to Make Sales.**

<sup>a</sup> REG. S-19. The Forester is authorized to make timber sales for any amount on any National Forest, subject to the maximum cut fixed by the Secretary, and to delegate this authority for amounts not exceeding 50,000,000 feet board measure to the district foresters. The district forester may delegate authority to subordinate officers to make sales for amounts not exceeding 6,000,000 feet board measure. All supervisors may without special authorization make sales in amounts not exceeding \$100 and may delegate this authority to subordinate officers.

The Forester may authorize district foresters to formally approve timber sale agreements and related papers in all sales exceeding 50,000,000 feet board measure in which the conditions of sale have been previously approved by him.

## CLASSIFICATION OF TIMBER SALES.

**By Amount.**

Timber sales are divided into the following classes:

*Class A: Ranger's sales* of timber not exceeding \$100 in value.

*Class B: Supervisor's sales* of timber not exceeding \$100 in value.

<sup>b</sup> *Class C: Supervisor's sales* of such amount of timber exceeding \$100 in value as the supervisor is authorized to advertise and sell, in no case over 6,000,000 feet board measure.

<sup>a</sup> Regulation amended; effective July 15, 1920.

<sup>b</sup> Paragraph modified; effective July 15, 1920.

<sup>a</sup> *Class D: District forester's sales* not exceeding the amount he is authorized to sell, in no case over 50,000,000 feet board measure.

*Class E: Forester's sales* exceeding the amounts which the district foresters are authorized to sell.

**By Advertisement.**

*Unadvertised sales:* Sales of timber not exceeding \$100 in value.

*Advertised sales:* Sales exceeding \$100 in value.

**Application.**

Application to purchase timber may be made verbally or by letter. It may be an offer to purchase at stated terms or an inquiry as to the terms of sale which the Forest Service will require. In any event, an application does not give the person making it any preference in the purchase or award of the timber. Applications will not be formally "accepted" or "approved." The terms of sale or form of contract based upon the examination and recommendations of a forest officer may be approved as the basis for advertisement and the applicant so informed. Care must be exercised in sale negotiations to avoid language in correspondence or written statements indicating official action favorable to the enterprise of any particular applicant.

**CLASS A: RANGER'S SALES.**

**Examination.**

If an examination of the timber as outlined on pages 15 and 16 shows that it should be sold, the forest officer will designate the timber to be cut and fix the terms of sale.

<sup>b</sup> **Minimum Charges.**

A minimum charge in all sales of timber for commercial uses, of not less than \$3 nor more than \$10, will be established for each Forest by the district forester. No sale for commercial uses will be made at less than the established minimum for the Forest. The minimum charge in sales of timber for the personal use of the purchaser will be \$1. This minimum will not apply to sales made under Regulation S-22.

**May Not Exceed \$100.**

Since the law definitely limits the amount of timber which can be sold under an individual contract without advertisement to a value of \$100, great care is required in Class A sales not to exceed that amount. The timber sold should ordinarily be a little under the \$100 limit to allow for possible excess cutting. If the value of the timber cut exceeds \$100 it will be necessary to make a new sale of the excess, but where the original amount together with a small overcut does not exceed \$100 the overcut may be accounted for as excess cutting under the original contract.

**Repeated Sales.**

Repeated sales of unadvertised timber to the same purchaser, in order to avoid advertising, are not permitted.

**Contract and Deposits.**

The contract will be prepared in triplicate on Form 202a and executed and approved in duplicate. The conditions on the back of the form should be brought to the attention of the purchaser before he signs the contract. The purchaser should send the required deposit to the United States depository with a letter of transmittal furnished by the forest officer, who will send a copy marked "Duplicate" to the supervisor. Remittances should be by postal money order, express order, or New York draft. Currency may be sent at the owner's risk. Postage stamps, foreign money, uncertified checks, or defaced coin will not be accepted. Upon assurance that the required deposit has been made, the forest officer will approve both copies of the contract and permit cutting to begin. He will forward the original to the supervisor, give the duplicate to the purchaser, and keep the triplicate for his files.

**Modifications of Contracts.**

Modifications of the contract may be authorized by the officer who approved the sale, under the limitations imposed by Regulation S-14. Copies of all such modifications will be sent to the supervisor.

<sup>a</sup> Paragraph modified; effective July 15, 1920.

<sup>b</sup> Instructions modified; effective Apr. 1, 1916.



**Map and Forest Description.**

Maps and forest descriptions need not be prepared unless specifically required by the supervisor.

**Procedure, Supervisor's Office.**

The original contract and duplicate letter of transmittal will be examined upon receipt from the ranger as to their correctness and agreement with the approved stumpage rates and sale policy. A white timber sale record card (Form 615) will be filled out and filed alphabetically. The duplicate letter of transmittal will be placed in a reminder file, which will be examined weekly, and the ranger notified of cases in which payments are two weeks late. Upon receipt from the district fiscal agent of the original letter of transmittal with notation of receipt of the deposit, the amount paid will be checked against the amount due, as shown by the letter of transmittal, and the amount paid and date of receipt entered on the timber-sale record card. The original will then be forwarded to the payee and the duplicate, with a notation of deposit received, to the ranger. Should the notification of receipt reach the supervisor before the duplicate letter of transmittal from the ranger, the data will be entered on a timber-sale record card and completed upon receipt of the letter of transmittal and contract from the ranger.

**Cutting Reports.**

Unless required by the supervisor, cutting reports (Form 820) need not be submitted until the sale is ready for closing. They will be compared with the card record as directed under "Records and reports," page 63.

**Closing.**

The ranger will submit a cutting report (Form 820) in duplicate with his recommendations. If approved by the supervisor, the duplicate copy will be stamped "This case is closed" and returned to the ranger, who will transfer the folder to the closed files. The supervisor will retain the original and transfer the folder and record card (Form 615) to his closed cases.

**Sales by Estimate.**

Sales may be made by estimate:

1. When acceptable to the purchaser.
2. When it will effect a material saving in the time of rangers or be of decided convenience to purchasers, as in sales at long distances from ranger's headquarters.
3. When previously approved by the supervisor as to particular classes of sales or localities or in individual cases.

A 100 per cent estimate will be necessary in the examination for sales by estimates.

It must be made clear in Form 202a that payment in such sales is based upon the estimate of a forest officer.

**CLASS B: SUPERVISOR'S UNADVERTISED SALES.****Procedure.**

Application may be made through any forest officer, but the supervisor must approve the contract. If he decides, upon the showing of an examination in accordance with the instructions on pages 15 and 16, that a sale should be made, the applicant should forward the amount required to the United States depository and receive an approved copy of the contract from the supervisor. Procedure in other respects follows that outlined under Class A sales.

**Sales by Estimate.**

Class B sales may be made by estimate under the conditions outlined for Class A sales.

**CLASS C: SUPERVISOR'S ADVERTISED SALES.****Authorization.**

The amount of timber advertised for purchase under one contract is limited to that fixed by the district forester, whether the timber is advertised under general notice or in response to an application.

This authority, which may be given to a supervisor, deputy supervisor, or forest examiner, is conferred only upon the person or persons named in the letter and is not incident to any office.

#### **Sample Agreement.**

Upon receipt of an application to purchase timber the forest supervisor will determine, in accordance with the procedure outlined under "Examination," page 15, whether the sale should be made.

If a sale is advisable, a sample agreement will be prepared on Form 202 or 202a conforming as nearly as possible with the final contract. Its terms should be discussed and if possible agreed to with the applicant. (For instructions on drafting agreements see "Contract conditions," p. 18.) Contract clauses not previously approved should be sent to the district forester for reference to the assistant to the solicitor.

As soon as it is decided that a sale should be made, the case will be recorded on a ~~purple~~-colored timber-sale record card (Form 615) which will be filed under timber sales alphabetically.

#### **Advertisement.**

The notice of sale will be prepared in triplicate by the supervisor as soon as the sample agreement is approved. The original will be sent to the publisher; the first carbon, on which the name of the newspaper is entered, will be sent to the district forester and the second carbon filed.

The first publication will be compared with the file copy for mistakes. One copy of Form 935, with published notice attached, must be sent to the district forester and a second copy filed under the last date for receiving bids, as a reminder of the expiration of the advertisement.

Further instructions are given under "Advertisement," page 31.

#### **Bids and Awards.**

The original applicant and other prospective bidders will be notified as soon as publication has begun, instructed to forward bids within the period specified in the notice of sale, and furnished with Form 941 and ~~purple-colored~~ bid envelopes. (See pp. 36 and 37, under "Awards.")

If evidence of financial standing is necessary and has not been furnished, the supervisor will make a provisional award to the successful bidder in accordance with the instructions under "Evidence of financial standing," on page 38. The final contract will not be furnished until satisfactory evidence of financial standing has been submitted.

In other cases the supervisor will at once notify the successful bidder that the sale has been awarded to him and that the final agreement, and bond if required, will be sent for execution within a specified time.

Copies of all bids submitted will be marked "For the information of the district forester" and forwarded to the district office.

Further instructions are given under "Awards," page 36.

#### **Agreement.**

The final agreement will be prepared on Form 202 or 202a in quadruplicate and executed and approved in duplicate. The approved original is for the supervisor's files and the duplicate for the purchaser. The third and fourth copies, showing the dates and signatures of execution and approval, will be sent immediately after approval to the district forester and the officer in charge of the sale respectively.

Further instructions are given under "Execution and approval of agreements and bonds," page 44.

#### **Bonds.**

If a bond is required, the supervisor will prepare it in duplicate on Form 377 and send the original to the purchaser for execution with the agreement. The duplicate with dates and signatures filled in should be sent to the district forester immediately after the execution and approval of the original. The original will be approved by the supervisor and filed with his record of the case.

Further instructions are given under "Bonds," page 42, and "Execution and approval of agreements and bonds," page 44.



#### **Emergency Sales.**

If an emergency sale is allowed, the emergency sale agreement will be prepared in quadruplicate and executed in duplicate. The original, after approval by the supervisor, will be retained in his files. The duplicate will be sent to the purchaser and the third and fourth copies with dates of execution and approval entered, to the district forester and the officer in charge of the sale. Instructions governing emergency sales are given on page 47.

#### **Letter of Transmittal.**

A letter of transmittal (Form 861) will be prepared in duplicate by forest officers and the original sent to the purchaser to be forwarded with each deposit to the United States depository. The duplicate will be filed in the supervisor's office in a waiting file and handled thereafter as in Class A sales.

#### **District Forester's Record.**

Copies of the map, estimate, report, sample agreement, notice of sale, Form 935, contract, bond, and important modifications will be submitted to the district forester as they are prepared, except the contract and bond which will be submitted after execution and approval.

#### **Closing.**

Class C sales will be closed in the same manner as Class A sales, and the purchaser informed of the action taken. If a bond has been required, the surety will be informed when the sale is closed.

#### **Procedure, District Office.**

The sample agreement and report will be examined to ascertain whether they conform with the existing policy and instructions. Special care is necessary to see that the sale is in accordance with the working plan where one has been prepared, and that the methods of cutting agree with the marking system adopted for the Forest and type.

The carbon of the notice of sale will be checked, with particular attention to the period allowed for submitting bids, the location of the sale area, the estimate, price, and deposits required.

The published notice of sale (Form 935) will be compared with the carbons previously received from the supervisor, and filed as a promise card to check the receipt of the contract and bond.

If an emergency sale has been approved, the copy of the agreement will be checked.

When the papers in Class C sales have been reviewed, they will be returned to the supervisor with instructions or comments if necessary. No permanent records of such sales will be kept in the district office.

Supervisors who have shown ability to handle Class C sales effectively may, in the discretion of the district forester, be authorized to discontinue sending records to the district office except for the examination of new contract clauses by district assistants to the solicitor or of the authority of officers of incorporated companies to execute the contract when required by the instructions on page 44.

### **CLASS D: DISTRICT FORESTER'S SALES.**

#### **Sample Agreement.**

The steps are the same as in Class C sales until the sample agreement has been discussed with the applicant. If the supervisor decides to recommend the sale, he will send the sample agreement to the district forester with the report, estimate, and map. The supervisor will discuss any features of the report or sample agreement which require explanation or with which he may not agree in a letter accompanying the sale papers.

#### **Card Record.**

A blue timber-sale record card (Form 615) will be filled out by the supervisor and filed as in Class A sales.

The sample agreement will be examined by the district forester as under Class C sales. If it is approved, a timber-sale record card (Form 615) will be filled out and filed.

#### **Changes in Sample Agreement.**

The supervisor will be notified immediately of any necessary modifications in the sample agreement and will discuss them with the applicant before proceeding with the advertisement.

#### **Advertisement.**

After approval of the sample agreement a notice of sale will be prepared with two carbons in the district office, and the original and one carbon sent to the supervisor. The latter will proceed with publication in accordance with the instructions under "Advertisement," page 34. If advisable, publication may be ordered by the district forester directly or through the Washington office, as indicated on page 35.

As soon as advertisement begins, the supervisor will check the published notice of sale with the file copy and forward Form 935 to the district forester. The published notice (Form 935) will be reviewed by the district forester and filed as a promise card to check the expiration of the advertisement.

#### **Bids and Awards.**

The supervisor will notify the applicant and other prospective bidders as soon as advertisement is begun, instructing them to forward their bids within the period specified in the notice of sale. He will furnish them with copies of Form 941 and ~~the~~ bid envelopes.

After the bids are opened the district forester will immediately notify the supervisor of the names of bidders, the amount of each bid, and the award, unless the latter is delayed pending the submission of satisfactory evidence of financial standing. (See instructions under "Awards," p. 33, and "Evidence of financial standing," p. 39.)

#### **Review of Agreements by Assistant to the Solicitor.**

Agreements will be referred to the district assistant to the solicitor for review:

1. When the sample agreement is drafted.
2. After the incorporation of any modifications desired by the approving officer or agreed to in negotiations with the applicant.
3. Immediately before administrative approval, for the legal sufficiency of the execution.

#### **Agreement.**

The agreement, Form 202, will be prepared with four carbons by the district forester. One copy will be filed and the original and three carbons sent to the supervisor, who will have the original and one carbon executed by the purchaser and returned to the district office. The third copy will be retained in the supervisor's files and the fourth sent to the officer in charge of the sale. After the district forester has approved both copies the duplicate will be forwarded to the purchaser through the supervisor and the original filed in the safe.

When the approved duplicate of the contract is received by the supervisor, he will enter the signature and dates of execution and approval on his copy and notify the officer in charge of the sale in order that the latter may make the same records.

#### **The Bond.**

Bonds will be prepared in duplicate and the original sent to the purchaser for execution through the supervisor. The executed original will be submitted to the district assistant to the solicitor for examination with the contract before approval and will be retained in the district office. The duplicate, with dates and signatures filled in, will be filed with the supervisor.

#### **Emergency Sales.**

Emergency-sale agreements will be prepared by the supervisor in quadruplicate and executed and forwarded in duplicate to the district forester.

If the amount to be cut in advance of advertisement does not exceed 5,000,000 board feet, the district forester will review the agreement and approve it if an emergency is found to exist and if the terms of sale are satisfactory. Agreements for amounts in excess of 5,000,000 board feet will not be approved until the necessary authority has been obtained from the Forester.

The original will be retained in the district office and the duplicate returned to the supervisor. The supervisor will make the necessary entries on the re-



maining copies, forward the duplicate to the purchaser, retain the third copy, and send the fourth to the officer in charge of the sale.

If the sale is disapproved, the supervisor will be directed to inform the purchaser of the reasons for such action.

#### **Work which May Be Required of Supervisors.**

In the discretion of the district forester, supervisors may be required to prepare notices of sale to be submitted with the sample agreement, to receive bids, and to prepare the contracts and bonds.

#### **Closing.**

Class D sales will be closed in the same manner as Class A sales. The district forester will be informed of the action taken, as will also the purchaser and the surety if a bond has been required.

#### **CLASS E: FORESTER'S SALES.\***

For sales which exceed the district forester's authorization, the sample agreement, together with the report, estimate, map, notice of sale, prospectus (if one is prepared), and the supervisors' and district foresters' recommendations, will be forwarded to the Forester. When the Forester has approved the conditions of sale, including the sample agreement, the district forester will proceed with the advertisement. The procedure from this point will be exactly as outlined for Class D sales except that copies of the executed agreement and bond will be forwarded to the Forester for his files. The agreement and bond and any later modification will be approved by the district forester.

Any important changes in the sample agreement after it has been approved by the Forester will be referred to him before the agreement is presented to the purchaser for signature. Minor changes not involving any departure from the sale conditions as originally approved may be made without again referring the sample agreement to the Forester. Any modification of the agreement must be approved in advance by the Forester, but the district forester will approve the papers.

It is essential that no final assurances be given prospective purchasers until the Forester has passed upon the sample agreement, and also that no promises be made with reference to proposed modifications until the action has been approved by the Forester.

### **18. PRIVATE SALES OF ADVERTISED TIMBER.**

**REG. S-20.** Forest officers may within their authorization sell any timber previously advertised but not sold, without further advertisement, at not less than the advertised rates.

Agreements covering timber previously advertised but not sold may be made at any time by any forest officer within his sale authority. Individual sales may be made at prices greater or less than any bid submitted for the timber, in no case, however, less than the minimum rate advertised, so as to equalize differences in quality or accessibility on various parts of the advertised area; but an average price equal to the highest bona fide offer must be obtained. The procedure, except as to advertisement, will be the same as for other sales of similar amounts.

Ordinarily if a period exceeding one or, at the most, two years has elapsed since advertisement, the timber should be readvertised. This is particularly important in the case of large tracts. In all cases timber should be readvertised if there is any possibility of competition.

Sales at cost to settlers and farmers under Regulation S-22 may include timber previously advertised.

### **19. SALE OF MATERIAL SEIZED.**

**REG. S-21.** Seized material may be sold to the highest bidder under specific authority from the district forester. If advertisement is impractical, sales of material exceeding \$100 in value will be made on informal bids.

\* Instructions modified; effective July 15, 1920.

In case of seizure or recaption the seized material will be sold to the highest bidder. Where its value exceeds \$100 such material should be advertised, if practicable. Sales may be made, however, on informal bids if the market value of the material can thus be secured. No sale should be made without specific authority and instructions from the district forester, acting upon the advice of the assistant to the solicitor.

## 20. SALES AT COST.

<sup>a</sup> REG. S-22. Mature, dead, and down timber which can be cut without injury to the Forest will be sold upon application without advertisement in any desired amount to homestead settlers and farmers, for domestic use on any homestead or farm, at the actual cost of making and administering such sales. The disposal of any part of such material for a money or other consideration, or in exchange for labor, services, or commodities furnished the purchaser in connection with its cutting, removal, or manufacture, or for any purpose except domestic use on the homestead or farm of the purchaser, is prohibited. If any of the foregoing requirements are violated, the sale will be terminated and the purchaser required to pay for all material cut at twice its appraised market value.

The Secretary of Agriculture will determine from time to time the cost per thousand feet board measure or other unit of making and administering such sales in each National Forest region where similar conditions exist, which amount will be uniformly taken on all Forests in the region as the stumpage price in sales under this regulation.

### Determination of Prices.

Sales to homestead settlers and farmers will be made without advertisement in any amount desired, at the price fixed by the Secretary, in each National Forest region as equivalent to the cost of making and administering such sales.

For the determination of stumpage prices on the basis of average sale costs the following regions will be taken:

Pacific coast region, including districts 5 and 6.

Rocky Mountain region, including districts 1, 2, 3, and 4, except Forests included in the eastern region.

Eastern region, including district 7 and the Forests in Minnesota and Michigan.

The need for changes in established prices will be considered annually by each district forester. On or before May 1 of each year specific recommendations for any changes desired should be submitted to the Forester. The prices in each region will be approved by the Secretary and remain in effect until changed.

### When Made.

No distinction will be made in approving applications for sales at cost between farmers and others owning but not residing on farms or because of the wealth, residence, or occupation of applicants. The only consideration will be the use of the timber for domestic purposes on homesteads or farms. Such uses include the construction or repair of farm buildings of any character, fences, and other improvements, and fuel.

Sales may be made to two or more farmers or settlers under one contract, all being equally responsible for compliance with its terms, or to cooperative associations for the use of their members.

Material previously advertised but not sold may be obtained at cost under Regulation S-22.

### <sup>b</sup> When Refused.

Only material to be used exclusively for domestic purposes on farms and homesteads will be sold under this regulation. Such material can not be used by farmers on town property, or for any purpose on their farms other than domestic use or the development and improvement of the land for agriculture.

Sales will be denied to corporations.

Sales under this regulation will not be made to agents employed by the person or persons who will use the timber or to manufacturers or others who pro-

<sup>a</sup> Regulation amended; effective Jan. 1, 1916. <sup>b</sup> Instructions modified; effective Jan. 1, 1916.



pose to sell the material to settlers or farmers; but timber may be cut by agents of the purchaser for his exclusive use.

**a Kind of Material Sold.**

The kind of material sold under Regulation S-22 should be that suited to the need of the applicant. Where inferior species and grades of material will answer the purpose, they should be designated for removal, but any timber which would be sold under commercial sales is available for sale under Regulation S-22. Sales will be conducted in accordance with standard silvicultural and utilization practice.

**Relation to Free Use.**

The policy governing the kinds of material to be obtained in sales at cost should be correlated with the free use of National Forest timber. In general, persons entitled to free use will be required to purchase under Regulation S-22 all green timber except inferior species, thinnings, and other material cut for protection or silvicultural improvement.

**Authorization to Make Sales.**

District foresters may authorize supervisors to make sales under Regulation S-22 in any amounts not exceeding 100,000 feet board measure. Supervisors may authorize rangers to make sales in any amount not exceeding 20,000 feet.

**b Procedure.**

The procedure will follow that in Class A and B sales, except as follows:

c Form 615a will be prepared in quadruplicate. The original will be signed by the purchaser, returned to the forest officer approving the sale, and sent by him to the supervisor, who will file it with his timber-sale record cards. The duplicate will be signed by the purchaser and sent by him to the district depository with the deposit. On its return the supervisor will note the amount paid, the certificate number and the date of payment on the tab of the original as well as in the space provided in the body of the form, return the stamped duplicate to the purchaser and send the tab detached from the original to the forest officer. The second carbon will be retained by the forest officer for his files. When cutting is completed the forest officer will fill in the cutting report on his copy and on the third carbon and send the latter to the supervisor, who will attach it to the original. Unless questioned by the supervisor, the case will be considered closed when the cutting report is received.

The rates for payment if the timber is sold or exchanged are twice the appraised values and these doubled rates will be inserted in the agreement. This payment will be regarded as liquidated damages and not as a penalty.

Form 861 will be used to accompany any deposits after the first.

Cutting may begin as soon as the forest officer receives the signed original and has evidence that the deposit has been sent to the district depository.

## **21. SALES OF NAVAL STORES.**

REG. S-23. So far as applicable, the regulations governing timber sales will be followed in sales of naval stores.

The Forester is authorized to make such sales for any amount on any National Forest within the maximum limit fixed by the Secretary and to delegate this authority for amounts not exceeding 200,000 cups to district foresters. District foresters may delegate this authority to supervisors for amounts not exceeding 40,000 cups.

Emergency sales will not be allowed.

**Timber-Sale Instructions Govern When Applicable.**

c The annual forest plan for sales of naval stores will be submitted to the Forester. After approval by him, sales will be governed by the instructions prescribed for timber sales, except as hereafter provided.

**Sample Agreements.**

Sample agreements will be prepared in each case before advertisement begins.

**Size of Sales.**

Unadvertised sales of naval stores in amounts worth \$100 or less will be made in the discretion of the supervisor when necessary to utilize small or isolated bodies of timber.

a Instructions modified; effective July 1, 1917. (73-S) c Paragraph modified; effective Apr. 1, 1917.

b Instructions modified; effective Apr. 1, 1916.

#### **Agreements.**

Form 203 will be used in the preparation of agreements with the insertion of the special clauses required.

#### **Bonds.**

Bonds will be required in all agreements for amounts exceeding \$100. The standard requirement for the amount of the bond will be 25 per cent of the value of the material covered by the sale. This may be increased in the discretion of the approving officer.

#### **Deposits.**

Deposits other than with bids will be required in advance of the removal of the product, either for the full purchase price in one payment or in two or more approximately equal installments. In all cases the final deposit must precede the beginning of operations in the last contract season.

#### **Unit of Measure.**

The unit of measure in naval stores is 1,000 cups. The sum due will be determined by forest officers from field counts of the cups placed.

#### **Emergency Sales.**

Emergency sales will not be allowed.

#### **Utilization.**

The object in all operations is to secure the maximum production of naval stores consistent with conservative silvical management and the perpetuation of the Forest. Trees will be designated for cupping in accordance with the silvicultural system adopted for the Forest and with special reference to the possibility of using cupped trees for saw timber or other purposes.

Agreements will require the use of a modern cupping system with horizontal apron or gutter, and the placing of cups and aprons or gutters as near the ground as possible in such a manner as to prevent waste. All agreements will specify the minimum diameters at breastheight of trees which are to be cupped, the period within which cups must be placed, and the number of cups to be placed upon trees of specified sizes. This will be based upon the greatest production in the long run practicable at reasonable operating costs. The agreement will also specify average and maximum depths of streaks, not exceeding one-half and three-fourths inch, respectively, exclusive of bark; the maximum width of streak, which should be one-half inch or less; the total height of faces during a contract season; the kind of hack to be used in chipping; and the proper placing and spacing of faces on the tree. This will be based upon maximum production in the long run. Frequency of streaking and the maximum number of streaks which may be made during the season should also be definitely prescribed in the agreement.

#### **Protection from Fire.**

Wherever necessary for safety, agreements should require the annual removal of all debris to a reasonably safe distance from each tree cupped and the construction of firebreaks around the contract area.

## **22. SALES OF MISCELLANEOUS FOREST PRODUCTS.**

**REG. S-24.** The sale of forest products not specifically covered by regulation will be conducted by forest supervisors under instructions from the district forester or Forester.

If advertisement is impractical, sales of such material in amounts exceeding \$100 will be made on informal bids.

The sale of wild seedlings and Christmas trees and of such products as cascara bark, where the value does not exceed \$100, will be conducted by supervisors under directions from the Forester or district forester.

Where its value exceeds \$100, such material should be advertised if practicable. Informal bids may be secured in lieu of advertisement if the market value of the material will thus be obtained.

## **23. APPEALS.**

**REG. S-25.** The disapproval of an application for the purchase of timber or for the modification of an existing contract shall be final unless written



notice of appeal to the next superior officer is filed with the officer disapproving such application within 30 days from the receipt of his decision, with the exception that all appeals arising from the action of rangers or from the enforcement of a timber-sale contract shall be made in the first instance to the forest supervisor. His decision thereon shall be final unless written notice of appeal to the district forester is filed with the supervisor within 30 days from the receipt of his decision. Appeals from the decisions of the district forester to the Forester or from the decisions of the Forester to the Secretary may be made by filing written notice with the officer from whose decision appeal is taken within 30 days from the receipt of such decision.

**From Decisions of Rangers.**

Complaints and appeals arising from action taken by a forest ranger or other subordinate officer on a National Forest, relating either to applications for the purchase of timber or the enforcement of existing contracts, will be referred to the supervisor. Decision will be rendered by the supervisor in writing and the appellant notified. A copy of the decision will be filed with the record in the case.

**From Decisions of Supervisors.**

Appeals from the action taken by a supervisor must be filed with him within 30 days. The supervisor will transmit the appeal to the district forester with all supporting evidence submitted, together with the complete record in the case, a statement of the facts or reasons upon which his action was based, and his further recommendations. Decision will then be rendered by the district forester and the supervisor and appellant notified.

**From Decisions of District Forester and Forester.**

Appeals from decisions of a district forester or of the Forester will follow the same procedure and be governed by similar time limits. The district forester will transmit the appeal to the Forester, with all supporting evidence submitted, the complete record in the case, a statement of the facts or reasons upon which his action was based, and his further recommendations. Similar data will be transmitted by the Forester to the Secretary in case of appeals from decisions of the Forester. Decisions rendered by the Secretary or Forester will be transmitted through the district forester to the supervisor and appellant.

**Record.**

Decisions on appeals rendered by supervisors will be prepared in triplicate. The original will be sent to the appellant and the extra copy to the forest officer concerned. Decisions rendered by a district forester will be prepared in triplicate. The original will be sent to the appellant and the extra copy to the supervisor.

Decisions rendered by the Forester will be prepared in quadruplicate and by the Secretary in quintuplicate. The original will be sent to the appellant and copies furnished for the files of the Forester, district forester, and supervisor.





# FREE USE.

## 1. OBJECTS OF FREE USE.

**REG. S-26.** Free use will be granted primarily to aid in the protection and silvicultural improvement of the Forests. Hence the material taken will, except in unusual cases, be restricted to dead, insect-infested, and diseased timber and thinnings. Other material may be taken in exceptional cases where its refusal would cause unwarranted hardship.

On Forests where limited supply or other conditions justify such action the free use of green material may be refused.

**Material to Be Taken Under Free Use and Sales at Cost.**

As outlined in the regulation, the primary objects of free use are protection and silvicultural improvement. It should be restricted largely to dead, insect-infested, or diseased timber, thinnings, and inferior species. Use of such material will be granted freely to the classes of persons named in the act. Free use of other material will be allowed in exceptional cases where its refusal would cause hardship. Otherwise the purchase of commercial green timber at cost will be required of settlers and farmers entitled to this privilege.

## 2. AUTHORIZED USES.

<sup>a</sup> **REG. S-27.** Free use may be granted: (1) To bona fide settlers, miners, residents, and prospectors for minerals, for firewood, fencing, building, mining, prospecting, and other domestic purposes; (2) for the construction of telephone lines when necessary for the protection of National Forests from fire; (3) to certain branches of the Federal Government.

Free use will not be granted to other parties or for other purposes, except under the provisions of Regulation S-34. Free use of material to be employed in any business, as by sawmill operators, or proprietors of stores or hotels, will be refused.

The sale of timber or other forest products obtained under free use is prohibited.

**By Individuals.**

Dead, insect-infested, or diseased timber, thinnings, and inferior species will be granted freely to bona fide settlers, miners, residents, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and other domestic purposes without restrictions as to the wealth of users, the status of their claims, the available supply on their own lands, etc.

**Free Use Under Regulation S-34.**

<sup>b</sup> Free use may be allowed to anyone under the provisions of Regulation S-34, for the construction of roads, bridges, trails, and other improvements of value for the protection or administration of the National Forest equal to the value of the timber used. Both the actual use of such improvements in protective and administrative work and the increased value of the Forest through greater safety and better regulation should be considered. Improvements constructed under these conditions should ordinarily become the property of the United States at the termination of the permit or the United States should retain title to the timber. A definite line can usually be drawn between improvements of benefit only to the permittee and those aiding the development and better regulation of the Forest.

**For Private Telephone Lines.**

By the act of March 4, 1913, provision is made for free use of timber for the construction of private telephone lines which will aid the protection of National Forests from fire.

<sup>a</sup> Regulation amended; effective Jan. 1, 1916.

<sup>b</sup> Sentence modified; effective Jan. 1, 1916.

#### By Other Federal Departments.

<sup>a</sup> Free use may be authorized by the Secretary of Agriculture in carrying out the provisions of the national irrigation act (act of Feb. 8, 1905), and the act of February 21, 1911 (36 Stat., 925), which authorizes the enlargement of projects at the cost of private cooperators.

<sup>b</sup> By the act of March 4, 1915, the Secretary of Agriculture is authorized to grant the free use of earth, stone, and timber from the National Forests for use by the Navy Department, and also to grant, free of charge, earth, stone, and timber from the National Forests for the construction of Government railways and other Government works in Alaska.

#### <sup>c</sup> When Refused.

Unless such action is necessary under the provisions of Regulation S-34 to remove a menace to the Forest, timber will not be granted free for commercial purposes or for use in any business, as by sawmill operators, producing mines which are clearly beyond the prospect stage, proprietors of stores or hotels, companies, or corporations. An officer or stockholder of a corporation, however, is not debarred from free use for his own home; and free timber should not be refused the proprietor of a small hotel or store if it will be used chiefly by himself and his family.

Unless granted under the provisions of Regulation S-34, free use of material by other parties or for other purposes than those mentioned in Regulation S-27 is not authorized by law.

Free use may be refused in the discretion of the supervisor to permittees who repeatedly violate the provisions of their permits and interfere with the efficiency of administration.

#### Sale or Exchange Prohibited.

The sale of material obtained under free use or the exchange of a portion of it for the cutting or manufacture of the remainder are prohibited.

### 3. AMOUNTS GRANTED.

<sup>d</sup> REG. S-28. The aggregate amount of free material granted annually to any user will not exceed \$20 in value, except in cases of unusual need or of dead or insect-infested timber where the removal of the restriction may be advisable for administrative reasons, when the supervisor may extend the amount to \$100.

#### Valuation of Material.

Free-use material will be appraised in the same manner and in accordance with the same principles as timber purchased under sale agreements. The valuation of such material will be at rates not less than those prevailing for similar grades of stumpage in current sales in the same locality.

#### Standard Rates.

At the beginning of each fiscal year supervisors will issue standard rates for free-use material on their Forests, based upon current prices in timber sales. The rate for the same class of material should be varied in different districts as local conditions require.

<sup>e</sup> REG. S-28a. During the existing state of war the free use of timber needed for war purposes will be granted to any department, board, or commission of the United States Government. Permits will require the cutting and removal of timber to be done in accordance with the conditions in current timber sale contracts in the region in order to preserve the living and growing timber, to protect the younger growth and to protect the forest from fire. The permittee may be required to report to the Forest Service the amount of timber, by species, actually cut, or may be required to furnish scalers for work under a forest officer, or, if authorized, to provide funds for the employment of scalers by the Forest Service. The permittee may be required to dispose of brush as cutting proceeds, or to employ men to work

<sup>a</sup> Paragraph modified; effective Jan. 1, 1916.

<sup>b</sup> Paragraph added; effective July 1, 1915.

<sup>c</sup> Instructions modified; effective Jan. 1, 1916.

<sup>d</sup> Regulation amended; effective Jan. 1, 1916.

<sup>e</sup> Regulation added; effective Oct. 1, 1918.



under the direction of a forest officer, or, if authorized, provide funds for the employment of men for brush disposal under a forest officer.

The district foresters may approve applications under this regulation for amounts not exceeding 10,000,000 board feet or its equivalent in other forms and may delegate this authority to forest supervisors for amounts not exceeding 1,000,000 board feet or its equivalent in other forms. Permits for larger amounts will be approved by the Forester.

• **Applications.**

Applications may be submitted by the authorized representative of any department, board, or commission to any forest officer. The application should state the location, kind, and approximate amount of timber desired and should state that a saving to the Government will result if the stumpage is secured free of charge. If the cutting is to be done by an agent or contractor the provisions of the contract or agreement which assure compliance with the terms of the free-use permit should be stated.

THE UNIVERSITY OF CHICAGO  
DIVISION OF THE PHYSICAL SCIENCES  
DEPARTMENT OF CHEMISTRY  
530 SOUTH EAST ASIAN AVENUE  
CHICAGO, ILLINOIS 60607-7070  
TEL: 773/936-5000 FAX: 773/936-5001  
WWW: WWW.CHEM.UCHICAGO.EDU

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SUBJECT: [illegible]

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## 4. PERMITS.

### Green Material.

**REG. S-29.** Permits will be required for green material.

### Free Use Areas.

Supervisors may, with the approval of the district forester, designate as free-use areas portions or all of any National Forest, and settlers, miners, residents, and prospectors for minerals may cut and remove from such areas, free of charge and without permit, under such rules as may be prescribed by forest officers, any dead timber needed for their own use for firewood, fencing, buildings, mining, prospecting, and other domestic purposes. No timber may be taken under this regulation for sale to other persons or for commercial use.

### Emergency Use.

Material may be cut outside of a free-use area without permit in cases of emergency or of immediate need. The person taking such material shall promptly notify the forest officer in charge of the district.

### Transient Use.

Small quantities of material needed by transients may be taken without permit.

### Permits.

Permits will be required uniformly for green timber and may be required for dead material whenever in the judgment of the district forester the advantages to be gained in protection or administration more than offset the increased cost of the permit system and its inconvenience to users.

The duration of permits will be fixed by the issuing officer, but all permits must terminate on or before June 30 of each year.

### Free-use Areas.

Free-use areas from which dead material may be taken by the classes of persons and for the purposes named in the regulation will be established where reasonable compliance with the requirements of the Service may be expected and where the character of the users or other administrative reasons make them advisable. Such reasons include a material reduction in the cost of administration, eliminating friction with users, and supplying their needs with greater dispatch.

Recommendations to the district forester for the establishment of free-use areas should include a rough estimate of the timber available for free use and the extent to which it will be used, and should indicate the advantages of abolishing the permit system. A sketch map showing the proposed boundaries, unless the area is to be an entire Forest, should accompany the report. The substance of the regulations and instructions as to persons entitled to free use, the purposes for which material may be used, utilization, fire protection, etc., should be enforced on free-use areas. It is not necessary, however, to define a maximum amount which may be cut by each individual. This is sufficiently safeguarded by the limitation as to personal use. Repeated violation of Service requirements on the part of individuals should result in the suspension of the privilege in their cases by Forest officers. General noncompliance will be a sufficient reason for the immediate closing of an area to free use without permit.

After their establishment has been approved by the district forester, free-use areas may be posted with Form S73 if necessary in the judgment of the district forester or supervisor. Posting can ordinarily be confined to points on the boundaries intersected by roads or trails.

In any case an announcement of the establishment of each free-use area should be published annually or periodically in a newspaper of general circulation in the region. Similar notices should be posted in post offices and other public places. Copies of newspapers containing announcements will be kept in the permanent records. Announcements and notices should specify the boundaries of the free-use area, the classes of persons entitled to the privilege, the kinds of material which may be taken, the purposes for which it may be used, and the requirements of the Service as to utilization, disposal of refuse, etc.

#### **Emergency Use.**

Material may be taken outside of free-use areas in advance of securing a permit in cases of emergency or immediate need; but the amount taken, with its location and date of removal, should be reported at once to the nearest Forest officer.

#### **Transient Use.**

The material needed by transients may be taken and necessary cutting in surveying for lawful projects may be done without a permit.

### **5. AUTHORITY AND ADMINISTRATION.**

#### **By Whom Granted.**

REG. S-30. Applications for free use of timber in amounts exceeding \$500 will be submitted to the Forester for approval. District foresters may grant permits for material not exceeding \$500 in value. Supervisors may grant permits for material not exceeding \$100. All forest officers whom the supervisor may designate are authorized to grant permits up to \$20 in value. Except in emergencies, permits for timber exceeding \$100 in value will be granted only for public purposes.

#### **Free Use Without Measurement.**

REG. S-31. District foresters may authorize supervisors to permit the removal of specific classes of material without scaling or measurement.

#### **Administration.**

The administration of free use will be conducted mainly by supervisors and rangers, subject to the instructions of the district forester. It is the duty of forest officers to furnish assistance to applicants cheerfully and to act promptly upon all requests. Wherever possible the cooperation of users, particularly permanent residents in the locality, should be secured in accomplishing the practical results sought under free-use administration. Although simple methods and the exercise of judgment are encouraged, there should be no tendency on the part of forest officers to underrate the importance of the free-use business.

Every effort should be made to improve the forest and reduce the cost of administration while still giving users prompt attention. Utilization of all trees cut in accordance with current sale practice and careful disposal of refuse will be required. Officers in charge of cutting must see that no unnecessary damage is done to young growth or standing timber, and should make all requirements plain to applicants before permits are granted.

When numerous applications are expected, forest officers should notify the public in any convenient manner that they will be at designated places on certain days prepared to transact free-use and other National Forest business.

Other methods for reducing the cost of the free-use business are: (1) Concentrating cutting on areas convenient to users; (2) marking or tagging green trees upon accessible areas in advance of application; (3) using the mails in issuing permits; (4) encouraging applications from persons entitled to the privilege during seasons of slack work; (5) issuing permits for the entire or a considerable part of the fiscal year; (6) mailing yearly permits to residents of the district entitled to free use; and (7) estimating the amount of material taken or requiring the permittee to report it.

#### **Permit Areas.**

Wherever possible the cost of administering free use will be reduced by designating permit areas in green or dead timber. These will be mapped and reported to the supervisor, who, if he approves, will authorize the ranger to mark or specify the timber which should be removed and to designate the boundaries of the area. After issuing a permit the forest officer may send the permittee to such an area, avoiding the necessity of designating timber for each applicant in advance of cutting. Each permittee will be responsible for his own cutting and for clearing up the débris resulting from it.

#### **Marking.**

Forest officers should designate the timber to be cut in the simplest and most economical way practicable. Living timber will be marked or designated in



accordance with the principles outlined under timber sales and the detailed instructions issued by the district forester or supervisor. The cutting of green juniper, oak, etc., in woodland types may be covered by simple directions adapted to local conditions, in the discretion of the district forester, without designating the material to be removed on the ground. Areas of dead timber may be blazed or defined by natural boundaries and the class of trees to be taken specified.

#### **Scaling.**

The scaling or measuring of free-use material may be omitted in individual cases in the discretion of the forest officer when it would require long special trips or time more urgently needed on other work. Supervisors should instruct their subordinates as to the conditions on the Forest or ranger district under which scaling may be omitted. A sufficient check should be maintained to satisfy the responsible officer that substantial compliance with the free-use regulations is secured.

The removal of specific classes of material without scaling or measurement may be authorized by the district forester. So far as practicable statements of the amount and character of the material taken should be obtained from permittees; otherwise they will be estimated. Removal without measurement should be authorized where it is believed that substantial compliance with the regulations will be secured and it is possible by this means to reduce costs of administration, meet the needs of users with greater dispatch or accomplish other definite administrative advantages.

#### **Supervision.**

Supervisors and deputy supervisors will inspect the handling of free-use business in the field and in the ranger's records as often as possible, to see that the work is conducted in accordance with the established policy and instructions for the Forest.

#### **Cutting Reports.**

Cutting reports may be required by supervisors when necessary in large free-use cases to check the rate of removal and the amount taken against the terms of the permit.

#### **Rangers' Records.**

Rangers' free-use permits will be issued in duplicate on Form 874-8. The approved original will be given to the permittee and the duplicate filed alphabetically by his name in a promise-card box. All permits will be made to expire at the end of some month and will be closed promptly upon expiration. The date of closing and the amount and value of the material taken will be entered on the back of the permit.

If Form 874-8 is used in supervisors' or district foresters' permits the original will be sent to the permittee and a carbon filed by the ranger with other permits. If a special form is necessary which can not be filed conveniently with other permits, an index card will be used and the permit filed with timber sales. Rangers will recommend the closing of supervisors' and district foresters' permits and immediately close the case in their own files. No record of rangers' permits will be kept in supervisors' offices.

#### **Supervisors' Permits.**

Supervisors' permits will be prepared in triplicate on Form 874-8, or on a special form similar to Form 202 when necessary. The approved original will be transmitted to the permittee. The supervisor will retain the duplicate and forward the triplicate to the ranger. Supervisors may require reports in large or unusual cases.

#### **District Foresters' Permits.**

When an application exceeds the supervisor's authorization, he will prepare a permit in triplicate and forward two copies with the necessary report and recommendations to the district forester for approval. After approval the permit and report will be returned to the supervisor, who will transmit the original to the permittee and a copy to the ranger. No record of individual cases will be kept in the district office.

#### Forester's Permits.

Applications for material exceeding \$500 in value will be submitted to the Forester for approval. If approved, the district forester will issue the permit following the procedure outlined under "District foresters' permits."

#### Rangers' Reports.

At the end of each fiscal year, or at other times if required by the supervisor, each ranger will submit a report giving separately for live and dead timber the number of permits issued and the quantity and value of the material taken. This report will cover all free-use and administrative-use permits for which there is no charge, including those approved by supervisors and district foresters. The data will be incorporated in the supervisor's annual statistical report to the district forester.

The report will also give the estimated quantity and value of dead timber removed without permit under Regulation S-29 and the number of persons taking advantage of the privilege.

### 6. FREE USE IN ALASKA.

<sup>a</sup>REG. S-32. Bona fide settlers, miners, residents, and prospectors for minerals in Alaska may take free of charge green or dry timber from the National Forests in Alaska for personal use but not for sale. Permits will be required for green sawtimber. Other material may be taken without permit. The amount of material granted to any one person in one year shall not exceed 10,000 board feet of sawtimber and 25 cords of wood, or an equivalent volume in other forms. Persons obtaining material shall on demand forward to the supervisor a statement of the quantity taken and the location from which it was removed.



## TIMBER SETTLEMENT.

REG. S-33. Timber may be cut, damaged, or destroyed when necessary for the occupancy of a right of way or other authorized use of National Forest land without advertisement.

Except when such material may be taken without charge under the free-use or administrative-use regulations, payment will be required—

(1) For timber used or removed by the permittee for any purpose.

(2) For timber whose logging and sale are practicable, which is cut or destroyed and not utilized in connection with uses of a commercial character and other uses which are not of benefit to the National Forest equal to the value of the timber.

Payment will not be required:

(1) For timber whose logging and sale are practicable, which is necessarily cut or destroyed and not utilized in connection with noncommercial uses of equivalent benefit to the National Forest.

(2) For any timber necessarily cut and not used by any permittee, whose logging and sale are impracticable.

When payment is required it will be at the appraised market value of the timber subject to a minimum rate equivalent to the estimated cost of administration.

Title to any timber not used by permittees and for which no charge has been made will remain in the United States.

### Timber Settlement Defined.

Settlement for timber cut, damaged, killed, or destroyed on the National Forests in connection with the occupancy of land under permit is called a "timber settlement."

### No Charge Permits.

Except for material used by the permittee for improvements in connection with the occupancy of the ground or otherwise, no charge will be made for timber cut in connection with noncommercial uses which are of benefit to the National Forest fully equal to the value of the stumpage, such as roads, bridges, telephone lines, and trails.

The right of permittees to free timber for improvements or for removal and use elsewhere will be determined under the instructions on free use and administrative use. (See "Authorized uses," pp. 77 and 78.) Payment will be required for timber whose logging and sale are practicable, which is cut and not utilized in connection with all commercial uses and those noncommercial uses in which there is not an equivalent benefit to the National Forest. Where a stumpage price is necessary, the timber will be appraised as in sales, subject to a minimum price equivalent to the estimated cost of administration.

For timber not used in improvements or otherwise permits will provide—

(1) That the United States reserves the right of sale or other disposition.

(2) That the permittee shall at the request of the supervisor bank or deck the timber at designated places. Banking or decking will, however, be required only where opportunity for future sale or other use is probable and where equitable to the permittee.

### Stumpage Price for Merchantable Timber.

Timber cut, damaged, or destroyed in connection with commercial uses, such as railroad rights of way, and noncommercial uses which will not benefit the administration or protection of the National Forest to an amount equal in

value to the stumpage destroyed, will be appraised in accordance with the standard methods followed in sales. Appraisals will include only classes of material commonly salable on the Forest.

If the appraisal shows that the logging and sale of the timber are practicable, the permittee will be charged for the entire amount at the appraised rates, subject to a minimum price equivalent to the estimated cost of administration.

If the appraisal shows that the logging and sale of the timber are impracticable and that the stumpage has no commercial value, the permit will require—

(1) That the permittee shall pay for such portion of the timber as he will use at rates equivalent to the estimated cost of administration; and (2) that the United States reserves the right to dispose of the remainder of the timber and to require that it be banked or decked as indicated under "No-charge permits."

#### **Disposal of Timber not Used or Paid for.**

Timber not used or paid for in connection with occupancy permits should be preserved from deterioration and made available for use by the permittee as far as may be equitable and practicable in view of its present or probable future value. Such timber remains the property of the United States and should be disposed of by sale or free use as opportunity arises.

#### **Payment on Scale or Estimate.**

In all cases where timber can be scaled, measured, or counted it will be paid for as in a timber sale and under the same procedure.

Where payment is required for timber killed or destroyed but not cut or worked into measureable form, or where the method of cutting makes scaling impracticable, settlement may be accepted on an estimate of the quantity involved.

#### **Payment for Timber on Claims.**

Payment for timber cut on a right of way authorized by act of Congress across an unpatented claim, if required by the foregoing instructions, will be made to the United States except where its removal or use is necessary for the development or improvement of the claim. This requirement is not affected by the prior date of location or entry of the claim involved or the good faith of the claimant. If any such claimant subsequently needs timber for development or improvements and is unable to obtain it from his claim, he will be given the material required under free-use permit, up to the amount cut from the claim. It is therefore necessary to keep separate records of the timber estimated or cut on each claim.

#### **Procedure in Timber Settlements.**

A special report will be prepared when timber is involved in an occupancy permit.

An estimate will be made in all cases. If it is probable that payment will be based on the estimate, it should be made with special care. If no stumpage charge will be made, an approximate estimate is ordinarily sufficient.

A detailed appraisal is necessary only in cases in which payment will probably be required. Where the cost of administration only will be charged, it should be estimated in accordance with the work to be required of forest officers, including estimate, scaling where necessary, supervision of brush disposal, etc.

The description in any case will follow the outline on Form 578a as far as applicable. Particular consideration should be given to recommendations for protective and administrative measures, utilization of the timber cut, timber on claims and other private interests, and the care or disposal of timber to be cut but not used or paid for.

The timber settlement report may be made with the special use report or subsequently as the supervisor shall determine. In any event it will be made before the cutting or destruction of timber begins.

Upon receipt of these papers, the supervisor will record the case as in "Unadvertised sales," using a white card (Form 615) stamped "Timber settlement." This will be filed with the timber-sale cards.



**<sup>a</sup>Timber-settlement Clauses.**

Special clauses covering payment for timber cut or destroyed in connection with occupancy permits and the disposition of refuse are included in the various forms or stipulations as follows:

Form 80, railroad stipulations.

Form 81, stipulations in connection with irrigation, municipal, and mining easements.

Form 59, preliminary water-power permit.

Form 61, water-power stipulation.

Form 68, transmission-line stipulation.

Form 69, telephone, telegraph, and power-transmission-line stipulation.

Such modifications should be made in these clauses as are necessary to adapt them to the particular conditions in each case.

When, as in the case of Forms 832 and 854, timber-settlement clauses have been omitted in occupancy permits, it is intended that the cutting and removal of the timber in connection with the permit will be provided for by a separate sale, free use, or administrative use transaction.

The following clause should be inserted in stipulations or permits involving the use of drivable streams when necessary to protect the interests of the Government in future timber sales:

To maintain suitable gates in the dam to provide for the driving of timber down the . . . River (or stream) at such times as, in the judgment of the forest officer, will not cause undue interference with the operations of the permittee.

**Deposits.**

Where a charge is made for timber deposits will be required in advance of cutting or destruction. Letters of transmittal will be furnished the permittee as in sales.

**Cutting Reports.**

Cutting reports will be submitted where payment is required as in timber sales. If settlement is made on an estimate, one report stating the total estimated amount cut or destroyed will be submitted upon completion of the work.

All timber removed or used by permittees without charge will be reported under free use. No report will be made of timber cut but not used or paid for. Any portions of such timber subsequently sold or disposed of will be reported in the regular manner.

**Utilization.**

Utilization of timber cut in accordance with current sales practice will be required.

**How Reported.**

Stumpage for which payment is required will be included in reports of timber "sold" and "cut." Other timber removed or used by permittees will be reported as "free use." Separate records should be kept on Forests whose annual cut is close to the Secretary's limitation, as the district forester shall direct. Timber cut but not used or paid for will not be reported.

**Closing.**

Timber settlements will be closed when cutting is finished and brush properly disposed of, or if no timber is cut when construction work is completed, independently of the occupancy permits or stipulations. If timber is damaged or destroyed subsequent to closing the settlement, the case may be reopened.

**When Referred to District Forester.**

If the approximate amount of timber, as shown by the report on Form 964, to be sold, granted under free use, or taken under administrative use, respectively, exceeds the supervisor's authority in either method of disposal, the case will be referred to the district forester with a draft of the timber settlement clause recommended for inclusion in the permit. The district forester may require a report on Forms 578a and 578b before approving the permit, at his discretion.

The supervisor's report and drafts of clauses in special uses or Interior Department rights of way which involve a timber settlement will be scrutinized by the district forester with reference to payments, prices, and policy. The approved draft of settlement clauses and a letter of instructions will be sent to the supervisor in connection with the action taken upon the occupancy permit.

#### Protection of Outlets for Timber.

It will be the duty of district engineers, supervisors, and other officers who report upon proposed uses of National Forest lands, and especially upon irrigation and water-power projects, to ascertain and indicate the effect of proposed structures upon the practical logging of National Forest stumpage. In such cases requirements necessary to safeguard the outlet for the timber without undue hardship to the permittee will be recommended. Whenever such outlets are involved, the report will be passed upon by the district chief of silviculture and in Forester's cases by the branch of silviculture.

Similarly the effect of land classification projects and the adequacy of proposed reservations for rights of way for the utilization of timber resources will be passed on by the district chief of silviculture.



## ADMINISTRATIVE USE OF TIMBER.

<sup>a</sup> REG. S-34. The Forester may dispose of timber whose use or removal is necessary to protect the Forest from injury, or to improve conditions for growth, or for the construction, maintenance, or repair of roads, bridges, trails, telephone lines, and other improvements of value for the protection or administration of the Forest, or to conduct investigations, by sale, free use, or otherwise, as may be most advantageous to the United States.

This authority may be delegated to district foresters for amounts not exceeding 30,000,000 feet board measure and to their subordinate officers for amounts not exceeding 500,000 feet board measure when payment is to be made for the timber; and, when no payment is required, for the amounts which these officers are authorized to grant under Regulation S-30.

### <sup>b</sup> Purpose.

Timber may be disposed of under administrative use by sale, free use, or otherwise: (1) To remove a menace from insects, fire, or disease; (2) to conduct thinnings or other improvement cuttings, such as the removal of defective trees to secure increased growth in the stand; (3) to construct, maintain, or repair roads, bridges, trails, telephone lines, and other improvements of value for the protection or administration of the Forest, built by forest officers, cooperators with the Service, or special-use permittees; (4) to conduct investigations in silviculture or forest products.

Timber may be cut without charge under administrative-use permits or cooperative agreements with parties not entitled to free use where its cutting or disposal for the construction of improvements, such as roads, bridges, trails, and telephone lines, will be of benefit to the Forest fully equal to the value of the stumpage, and where title to the timber will in effect remain in the United States. Timber may be cut without charge for similar purposes and under similar conditions by special-use permittees. <sup>c</sup> Such cutting, essentially an administrative use, will be covered by the timber-settlement clauses (if provided) of occupancy permits; otherwise, by an administrative-use permit. (See "Timber Settlement.")

Exchanges of timber for labor, services, or material in the building of permanent improvements are, however, not authorized.

### Authority.

The Forester and district foresters may authorize subordinates to dispose of timber by administrative use in quantities depending upon conditions on the Forest and the experience of the subordinate but within the amounts fixed by the regulation. Such authority may be limited as to insect-infested timber or other classes of material in the discretion of the district forester. Cooperative agreements involving administrative use will be approved by district foresters unless the approval of the Forester is necessary.

### Field Examination.

When an application is received or the supervisor believes from personal knowledge or the reports of subordinates that timber should be disposed of under administrative use, he will direct a field examination and the preparation of a map and report in accordance with Forms 578a and 578b.

### Methods of Disposal.

If it is found that because of disease, insect attack, or dangerous fire conditions a body of timber is a menace to the Forest, it should be removed as promptly as possible with the least practicable expense to the United States, preferably by sale and in such a manner as to reduce future danger to a minimum. When a sale can not be made and ordinary free use will not remove the timber soon enough to prevent injury, administrative-use permits should be issued.

<sup>a</sup> Regulation amended; effective Apr. 1, 1916.

<sup>b</sup> Paragraph modified; effective Jan. 1, 1916.

<sup>c</sup> Sentence modified; effective Jan. 1, 1917.

<sup>a</sup> When material whose removal is necessary to effect desirable thinnings or improvement cuttings can not be sold or removed under free-use permit, it may be disposed of free of charge by administrative-use permit.

#### **Forester's and District Forester's Permits.**

Forester's administrative-use permits or cooperative agreements will be prepared in quintuplicate, and district forester's in quadruplicate. The permits or agreements will be executed in duplicate, and the executed copies forwarded to the Forester or district forester for approval with the report and recommendations of the supervisor. The approved original will be filed in the district office, the duplicate transmitted to the permittee or cooperator, and copies furnished the supervisor and officer in charge. The fifth copy, in Forester's permits, will be retained in his files.

#### **Bonds.**

Bonds will be required only in exceptional cases when necessary to insure faithful compliance with the conditions of the permit.

#### **<sup>b</sup> Supervision of Cutting.**

Forest officers will designate cutting areas and mark the trees to be removed as in timber sales. Timber cut under administrative use will ordinarily be scaled, counted, or measured, and stamped, but if used for Forest improvements without charge, either by forest officers, cooperators with the Service, or special-use permittees, or if cut and not utilized for any purposes, it should not be scaled or stamped. If removed under a no-charge permit, the amount may be estimated when necessary to avoid excessive cost of scaling and stamping.

#### **Disposal of Timber Cut and Not Utilized.**

Timber cut in clearing for improvements but not utilized or paid for will remain the property of the United States and be subsequently disposed of by sale or free use as opportunity is afforded. Measures for preventing deterioration in such timber, by decking or otherwise, should be required when practicable.

#### **Ranger's Records.**

The ranger will file his copy of the permit or agreement alphabetically by name of the permittee or cooperator. When the case is closed or the permittee or cooperator is notified that the cutting area is in satisfactory condition, the date and the amount and value of the material secured will be entered on the back of the permit or agreement.

#### **Card Records.**

Form 615 will be kept in the supervisor's office as an index card and record of the amount cut as in sales.

#### **Supervisor's Permits.**

The permit will be prepared in triplicate. The original is for the permittee, the duplicate for the supervisor's files, and the triplicate for the ranger.

#### **Report of Timber Cut.**

<sup>c</sup> Timber cut under administrative use for which no charge is made, except that cut in thinnings and improvement cuttings or used for Forest improvements, will be included in the ranger's annual free-use reports to the supervisor. Material for which a charge is made will be reported as timber "cut" and "sold." Material cut and not used or paid for will not be reported except as it may subsequently be disposed of under sale or free use.

#### **Closing.**

As soon as the conditions of the permit or agreement have been complied with, the permittee or cooperator will be notified by the supervisor that the cutting area is in satisfactory condition and the administrative use closed.

<sup>a</sup> Paragraph added; effective Jan. 1, 1916.

<sup>b</sup> Instructions modified; effective Apr. 1, 1916.

<sup>c</sup> Sentence modified; effective Jan. 1, 1916.



**Form of Permit.**

<sup>a</sup> Where applicable timber sale and free use forms should be used in issuing administrative-use permits, the title being changed to "Administrative Use," and the following clause incorporated:

<sup>b</sup> This permit is issued in accordance with the authority of the Secretary of Agriculture to dispose of timber whose use or removal is necessary to protect the Forest from injury, or to improve conditions for growth, or for the construction of improvements of value for the protection or administration of the Forest.

*Administrative-use permit.*

(Case designation.)

<sup>b</sup> \_\_\_\_\_  
(I or we) (If copartnership, give names and addresses of individuals, followed by  
"partners doing business under the firm name and style of \_\_\_\_\_"; if corporation,  
"a corporation organized and existing under the laws of the State (or Territory) of  
\_\_\_\_\_, having an office and principal place of business at \_\_\_\_\_")

hereby apply for permission to take, within \_\_\_\_\_ months from above date all

(Where timber to be cut is dead, insect-infested, or diseased, describe nature of injury,  
such as fire, attack by insects, fungus, mistletoe, etc.)

marked or designated for cutting by the forest officer, the removal of which  
is actually necessary for the \_\_\_\_\_ of the Forest,

(Protection, administration, or improvement.)

located on an area to be definitely designated by the forest officer before cutting  
begins in \_\_\_\_\_

(Give approximate location and describe by relation to some well-known landmark,  
stream, etc. Give also legal subdivisions if surveyed and approximate legal subdivisions  
if unsurveyed.) \_\_\_\_\_ estimated to be \_\_\_\_\_

(Give quantity, species, and material.)

If this application is approved \_\_\_\_\_ agree, in consideration of the grant-  
(I or we)

ing of the privilege herein applied for to cut and remove said timber in strict  
accordance with the following regulations:

(Insert regulations to govern cutting and removal of the timber.)

<sup>b</sup> This permit is issued in accordance with the authority of the Secretary of Agriculture to dispose of timber whose use or removal is necessary to protect the Forest from injury, or to improve conditions for growth, or for the construction of improvements of value for the protection or administration of the Forest.

Signed in duplicate this \_\_\_\_ day of \_\_\_\_\_, 19\_\_

\_\_\_\_\_  
(Signature.)

Witnesses:  
\_\_\_\_\_

(Corporate seal, if corporation.)

Approved at \_\_\_\_\_, under the above conditions, \_\_\_\_\_, 19\_\_

\_\_\_\_\_  
(Signature of approving officer.)

\_\_\_\_\_  
(Title.)

"Where applicable, license fees and any other amount the licensee is required to pay shall be paid to the State of Washington, Department of Fish and Game, at the time the license is issued. The fee for a license to take fish or wildlife shall be as follows: For a license to take fish or wildlife for sport, the fee shall be \$10.00 per year. For a license to take fish or wildlife for commercial purposes, the fee shall be \$100.00 per year. For a license to take fish or wildlife for scientific purposes, the fee shall be \$50.00 per year. For a license to take fish or wildlife for other purposes, the fee shall be \$25.00 per year. The fee for a license to take fish or wildlife for sport shall be paid in advance for the term of the license. The fee for a license to take fish or wildlife for commercial purposes shall be paid in advance for the term of the license. The fee for a license to take fish or wildlife for scientific purposes shall be paid in advance for the term of the license. The fee for a license to take fish or wildlife for other purposes shall be paid in advance for the term of the license. The fee for a license to take fish or wildlife for sport shall be paid in advance for the term of the license. The fee for a license to take fish or wildlife for commercial purposes shall be paid in advance for the term of the license. The fee for a license to take fish or wildlife for scientific purposes shall be paid in advance for the term of the license. The fee for a license to take fish or wildlife for other purposes shall be paid in advance for the term of the license."

Licensee's name and address

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## FOREST EXTENSION.

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### POLICY.

#### Importance.

Reforestation is one of the most important and responsible duties of the Forest Service on National Forests where it is undertaken. Special instructions on reforestation will be issued from time to time and assistance furnished by the district forester where advisable. Supervisors will, however, be responsible for the effective direction and execution of reforestation work as for any other activity on the Forests.

#### Intensive Experiments.

Intensive experiments, with as exact control of all factors as possible, should be conducted in every district at experiment stations and elsewhere to determine the best methods of reforestation applicable to the types where such work is necessary. These experiments will be primarily with native species, but may include exotics which have special promise of success, or qualities which adapt them exceptionally to peculiar site or climatic conditions. The experimental work should serve to check and develop reforestation methods and to train men for more extended operations.

#### Direct Seeding.

Direct seeding will be done on experimental areas chiefly; extended operations may be conducted on sites where reasonable success has been attained by this method.

#### Planting.

The growing and planting of nursery stock will constitute the greater part of the reforestation work, except where direct seeding has been shown to give satisfactory results at a lower cost.

#### Partial Reforestation.

On large burns or other areas where complete reforestation would progress very slowly, scattered plots may be seeded or planted to establish small patches of forest from which natural reproduction will subsequently extend.

## SELECTION OF AREAS.

#### Most Favorable Sites First.

Until more exact knowledge has been acquired and methods of greater certainty developed, reforestation on any considerable scale will be restricted to areas where natural conditions are most favorable. The aim will be to develop successful methods on such areas, obtain exact information as to their possibilities and limitations, and gradually extend the work to less favorable sites.

#### Watersheds.

Within the restrictions stated, municipal supply or irrigation watersheds will be given first consideration.

#### Timber Production.

Denuded areas may be reforested primarily for producing timber, however, where conditions are favorable to cheap establishment and rapid growth, where the object lesson would be of special value, or where there is urgent local need for an additional supply of forest products.

#### Burns.

As far as possible provision should be made for reforesting burned-over timbered areas where natural reproduction can not be expected to take place in less than 10 or 15 years, especially on sites adapted to dense and valuable forest growth.

### **Planting Reconnaissance.**

When the areas most suitable for reforestation are not definitely known, planting reconnaissance should be conducted before any other work is undertaken. Such reconnaissance should furnish information on: (1) The location, size, and accessibility of favorable areas; (2) the character of the site, including soil elevation, aspect, climatic factors, and present cover; (3) the species, methods, and seasons promising the best results; and (4) the size and organization of the most efficient crew and the estimated cost of the project. Reconnaissance should not lay out work more than five years in advance, except when desirable to perfect plans for the completion of a forest unit. (See "Systematic completion of Forest units.")

The success or failure of reproduction on all cut-over areas will be closely observed. Areas which are not satisfactorily restocked within 10 years from the date of cutting should be taken up as planting projects.

## **ORGANIZATION AND SCALE.**

### **Concentration.**

Small nurseries and small seeding or planting projects for the primary purpose of informing and interesting forest officers may be conducted where no additional cost to the Service is involved. Aside from such projects and work of a purely experimental character, reforestation should as far as practicable be concentrated upon comparatively large, carefully planned, and well-supervised pieces of work on the most favorable sites.

### **Systematic Completion of Forest Units.**

As successful methods are developed for given regions, equipment, and organization perfected, and considerable areas covered by planting reconnaissance, it will be desirable to plan for the complete reforestation of Forest units within a definite time and on a prescribed scale of annual operations. Nursery output or allotments of stock from outside nurseries, seed extracting equipment, personnel on planting work, and the like should then be adjusted to this plan. As rapidly as such Forest planting plans become practicable, it will be desirable as a general policy to concentrate operations mainly upon specific units under their terms.

### **Seed Collection.**

The collection of sufficient seed of desirable species for nurseries and direct seeding will be part of the regular work in each district. This work should be concentrated upon areas where seed of the species and locality desired can be gathered at the lowest cost. Extensive collection should not be attempted in seasons when the cost will be excessive on account of the poor crop. In seasons of large seed crops of desirable species it will often be desirable to collect sufficient seed for two or more years ahead. Slight losses in the fertility of stored seed will be more than offset by the reduced cost of collection.

### **Nurseries.**

Nurseries should, as a rule, be of a size sufficient to produce not less than half a million seedlings per annum. Exceptions may be made where isolated areas which can not be supplied by main nurseries must be furnished with small amounts of stock grown near the planting sites and under similar climatic conditions, or in the case of nurseries required in connection with experimental work.

### **a Designating and Numbering Planting Areas.**

Each area to be planted or sown will be given a project name, preferably that of some local topographic feature. Each subdivision of this project area which is planted or sown with different species, mixtures, age classes, with seed from different sources or trees grown from seed of different sources, or which is planted or sown by different methods, or which is planted or sown at different times, will be given a separate number. A single series of consecutive numbers will be used for each project with the letter "P" or "S" prefixed to indicate a plantation or seeding area, as P-1, P-2, S-3, etc. Replanted and reseeded areas should be given separate numbers in the same series as the original areas. Small scattered plantations not constituting part of a definite planting project may be numbered serially for the Forest as a whole, but this should be avoided as far as possible.

<sup>a</sup> Instructions modified; effective Apr. 1, 1917.



~~ster, or a separate series of consecutive numbers similarly prefixed may be used for plantations and seeding areas, as P-1, P-2, S-1, S-2, etc. Replanted and reseeded areas should be given separate numbers in the same series as the original areas.~~

#### Marking Sites.

Plantations and seeding areas should be plainly marked by blazed trees, substantial posts, or piles of stone. These should be marked with the number of the plantation or seeding area and the month and year when the work was done, as P-1, S-1, etc.

4/13 10/13

#### Checking Results.

It is important that the results of all reforestation operations be closely studied in the field by district and forest officers to ascertain the reasons for success or failure and enable the experience gained to be intelligently applied. Detailed periodic inspections should be made and their findings reported to the district office. To make such inspections reliable, small sample plots on which counts are to be made should be laid off at the time of planting or seeding. These plots should be numerous enough to cover the different physical conditions on the planted areas. Each tree or seed spot in them should be staked.

#### Coöperation with Biological Survey.

When damage by rodents becomes serious and current methods of extermination do not reduce their numbers below the danger point, the forest officer in charge should report the situation in detail to the supervisor. The supervisor will submit a report in triplicate to the district forester, who will forward the original and one carbon to the Forester for transmittal to the Biological Survey. The Biological Survey will reply in triplicate through the Forester and district forester, each of whom will retain a copy. Specimens of the species causing the trouble should be secured for positive identification. The skin of the animal, with the skin of the head, feet, and tail left on, should be thoroughly salted and dried; the skull should be cleaned by cutting of the larger muscles and removing the tongue and brain. The skull should be labeled with a tag numbered to correspond with a similar tag attached to the skin and hung up until dry. Great care should be used to avoid breaking the skull, since proper identification may depend upon its being intact. When the skin and skull are dry, they should be forwarded directly to the Biological Survey with a statement of the date and place of collection, name of collector, and proper reference to the report.

## ANNUAL REPORTS.

#### Plans.

Planting and nursery plans will be prepared as provided under "Working Plans," page 113. They should be revised each year and recommended changes submitted by the supervisor as part of his annual planting and nursery report. The Forest plans should be checked and coordinated by the district forester, who will submit to the Forester a plan for the entire district as part of his annual planting report.

#### Supervisor's Planting Report.

In addition to the annual statistical report (Form 446), the supervisor will submit an annual planting report to the district forester by January 1. This will consist of (1) a summary and discussion of the work during the preceding calendar year, and (2) recommendations for future work. The first part of the report should show by species the area planted and sown during the preceding calendar year with a full discussion of methods of planting, implements, best season for the work, organization of crews, protection against rodents, drought, stock and fire, results obtained, and other points of particular interest. The second part of the report should show in detail the plans for planting and seeding during the next fiscal year, including size and location of areas to be reforested, the species to be used, the nursery stock and seed necessary, season for the work, its approximate cost, and other pertinent information. It should also include a general plan for planting and seeding for as long a period in advance as the data at hand will permit.

### **Supervisor's Nursery Report.**

Supervisors on Forests on which nurseries are located will submit an annual nursery report to the district forester by January 1. This will be prepared in triplicate, for the nursery, supervisor's and district forester's files. It will consist of (1) a summary and discussion of the work, both technical and administrative, during the preceding calendar year, and (2) recommendations for future work. The report should cover the following outline as far as practicable and necessary. The discussion of each numbered section should be begun on a new sheet:

#### **1. Capacity.**

- (a) Area of seed beds (exclusive of paths).
- (b) Area of transplant beds (exclusive of paths).
- (c) Total area (exclusive of paths).
- (d) Total area within nursery inclosure.
- (e) Present capacity (i. e., capacity first year seed beds, not number actually produced).
- (f) Recommendations for enlargement or curtailment.

#### **2. Equipment.**

- (a) The principal improvements made affecting the nursery as a whole, and important additions to equipment with approximate costs. Exclude subjects treated in separate topics below.
- (b) Important additions to equipment contemplated.

#### **3. Water.**

- (a) Changes in water system, estimated water now used, and additional amount available or required.
- (b) Important changes or additions contemplated.

#### **4. Seedlings.**

Discuss the following topics briefly, noting changes in practice and any points of special importance:

- (a) Preparation of seed beds (including additional area for future use).
- (b) Size and arrangement of beds.
- (c) Fertilizers.
- (d) Sowing.
- (e) Germination.
- (f) Shading.
- (g) Cultivation and weeding.
- (h) Watering.
- (i) Spraying.
- (j) Mulching.
- (k) Important changes in nursery practice contemplated.
- (l) Estimate, by species, of seedling production for next year, and quantity of seed needed for sowing in excess of that on hand.

#### **5. Transplants.**

Discuss the following topics briefly, noting changes in practice, and any points of special importance:

- (a) Preparation (including new area for future use).
- (b) Size and arrangement of beds.
- (c) Transplanting methods.
- (d) Age, size, and condition of stock when transplanted, noting particularly the character of root systems of different species.
- (e) Care.
- (f) Mulching.
- (g) Important changes in nursery practice contemplated.
- (h) Estimate of amount of transplanting to be done during next calendar year.

#### **6. Distribution.**

- (a) Methods of storing, packing, and shipping nursery stock.
- (b) List the quantity and kind of stock, by species, ready for planting to the end of the next fiscal year, indicating what portion will not be used on the local Forest.



**7. Injuries.**

- (a) Fungous diseases.
- (b) Winter damage.
- (c) Injuries by birds, rodents, or insects.
- (d) Important changes in practice or protective measures contemplated.

**8. Experiments.**

- (a) Results of experiments completed.
- (b) Nature of experiments in progress.
- (c) Outline of new experiments proposed.

**9. Labor.**

Any points of importance in reference to laborers and their maintenance having a bearing on the year's results.

**10. Costs.**

- (a) Expenditures by projects, with any necessary discussion.
- (b) Total allotment for nursery work for the current fiscal year.
- (c) Estimate for the next fiscal year.
  - (1) Maintenance.

(a) Enlargement and new equipment.

Monthly nursery reports may be required in the discretion of the district forester.

**District Forester's Planting Report.**

In addition to the annual statistical report (Form 446) the district forester will submit to the Forester on or before March 1 an annual report on his reforestation work. This should be largely a discussion of concrete results and policy. Plantations or seeding areas of special interest and problems of particular importance should be discussed. The report should include a district reforestation plan to the end of the next fiscal year, with specific estimates of the funds required, and a general plan for the next five years.

The work in planting, sowing, and seed collecting on each Forest and for the entire district since the end of the last fiscal year should be reported on Form 446.

A specified statement, by species, of the amount of seed to be collected during the coming year should be included in the annual report. The following table should also be included, to show in detail the planting and sowing planned for the following spring and ensuing fiscal year:

Forest: Species.	Spring, 19 .		Fall, 19 .		Spring, 19 .	
	Planting.	Sowing.	Planting.	Sowing.	Planting.	Sowing.
	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.

This should be summarized, by species, as follows:

Species.	Spring, 19 .		Fall, 19 .		Spring, 19 .	
	Planting.	Sowing.	Planting.	Sowing.	Planting.	Sowing.
	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>

There should also be a statement of the reforestation policy for the district during the next five fiscal years in accordance with the following outline:

Fiscal year.	Acreage to be planted.	Acreage to be sown.	Total.
19— to 19—			
19— to 19—			
19— to 19—			
19— to 19—			
19— to 19—			

The district forester's annual planting report should cover the condition and progress of the various nurseries and nursery plans for the ensuing year. A statement of the stock on hand at the end of the calendar year and the stock distributed during the preceding spring and fall should be given on Forms 132 and 150. Separate forms should be filled out for each nursery in the district with a summary of all nurseries on one form.

The approximate number of trees of each species which it is planned to produce for planting for each of the next five fiscal years by nurseries and for the entire district should be reported in the following form:

*Future nursery production.*

—— Nursery. —— National Forest.

Species.	M trees to be produced.				
	19— to 19—	19— to 19—	19— to 19—	19— to 19—	19— to 19—



## RECORDS AND MISCELLANEOUS REPORTS.

### Seed Collecting.

Form 977, "Report on Seed Crop of Forest Trees," will be submitted to the district forester from each Forest annually by July 15. Data on the results of seed collecting will be reported as prescribed by each district forester.

### Seed Testing.

Seed-testing data will be recorded on Form 489, "Seed Testing." Samples intended for testing, of at least one-half pound, should be submitted as soon as possible after extraction.

### Seed Receipts and Shipments.

A record of all seed received or shipped, for each Forest, will be kept on Form 145, "Seed Record." A separate card will be made out each year for each species handled. A copy of Form 342 should be filled out and placed within each seed container when any seed is received not accompanied by this form, or is shipped, or when a change is made in the quantity in any container.<sup>a</sup>

### Reports on Plantations and Seeding Areas.

All planting and seeding, whether experimental or otherwise, will be recorded on Forms 133, 134, and 135. Form 134, "First Report on Plantations or Seeding Areas," will be made out in duplicate as soon as possible after the completion of the work, and one copy forwarded to the district forester. This report should always be accompanied by a map of the area. Form 135, "Progress Report on Plantations or Seeding Areas," will be prepared in duplicate as soon as possible after each subsequent examination of the area and one copy submitted to the district forester. Any data concerning plantations not covered under specific headings on these forms will be included under "Remarks." Additional blank pages may be added to the report, if necessary, for this purpose.

### Card Summary of Plantations.

Card Form 133 will be kept in supervisors' and district offices as a convenient summary of plantations and seeding areas and of the results obtained on them. Large sheets containing a similar summary may, however, be substituted for Form 133, in the discretion of the district forester. The description of the area on the face of the card should be filled out in the supervisors' and district offices as soon as the first report is received. Replanting should be shown on the face of the card in the spaces provided. The back of the card will be devoted to a brief summary of results, filled in as progress reports are received.

### Replanting Records.

The same records will be kept for areas replanted or reseeded. Both the original area and the portion replanted or reseeded will be shown on the same map and correlated by cross references so that the complete history of any area can be readily determined.

### Nursery Records.

In keeping records of seed sowing and germination at Forest Service nurseries, Form 131, "Seed Sowing and Germination," will be used. This card should be filled out in duplicate at the nursery, one copy retained, and the other forwarded to the supervisor. Current information concerning nursery work to be submitted to the district forester will be summarized on Forms 132 and 150. These should be prepared in triplicate, one copy being retained at the nursery, one at the supervisor's office, and the third forwarded to the district forester. Form 132, "Nursery Stock on Hand," should be submitted whenever an estimate of stock is made, and in any event as soon as possible after the distribution of stock from the nursery. Form 150, "Nursery Stock Distributed," should be made out immediately after the close of each shipping season to cover all stock shipped from the nursery; both to other Forests and to the Forest on which the nursery is located. This form may also be used to notify supervisors of the amount and cost of stock shipped to them.

<sup>a</sup> Sentence added; effective July 1, 1916.

## NURSERY COST KEEPING.

### Forms Used.

Five forms will be used for nursery costs. Form 874-21, "Daily Labor Report;" Form 357, "Monthly Labor Report;" Form 21, "Project Card;" Form 350, "Apportionment of Permanent Improvements;" and Form 351, "Cost of Tree Production." The labor-report forms will be filled in by the officer in charge of the nursery; the project, apportionment of permanent improvements, and cost of tree-production cards will be filled in by the supervisor or by the officer in charge of the nursery at the discretion of the district forester.

### Projects.

Nursery expenditures will be charged to one of the following projects:

#### *Major projects.*

1. First-year seedlings.
2. Second-year seedlings.
3. Transplanting.
4. First-year transplants.
5. Second-year transplants.
6. Stock distribution.

#### *Minor projects.*

7. Mess.
8. Work animals.
9. Administration.
10. Maintenance.
11. Permanent improvements.

### Apportionment of Minor Projects.

Expenditures under minor projects, 7-11, are overhead charges to be apportioned among the six major projects. This will be done by dividing the total charge for all minor projects (including from 5 to 20 per cent of permanent improvements as explained below) by the total charge for all major projects, and multiplying the quotient by the total charge for each major project.

### Daily Labor Report.

Form 874-21 will be made out daily by the officer in charge of the nursery to record the time spent on each project by all men employed, whether permanent or temporary appointees or day laborers. Each sheet should show the employee's name and salary, the month covered by the report, and the number of hours spent on each project, and should be signed by the officer in charge of the nursery. These forms will be retained permanently at the nursery.

### Monthly Labor Report.

At the end of each month the daily-labor reports will be summarized by the officer in charge of the nursery and recorded on Form 357. This report should show the total number of hours spent during the month on each project by each employee, and the total amount chargeable to each project. The cost per hour should be determined by dividing the monthly wage by the total number of hours of actual work. In the case of permanent employees who spend but a part of their time at the nursery, the wage entered should cover only days of actual work on the projects, including intervening Sundays and holidays. The report should be forwarded to the supervisor promptly at the end of the month, and a copy retained at the nursery.

### Project Card.

A suballotment and cost-keeping record will be kept by the supervisor on Form 21. At the beginning of the fiscal year a suballotment will be made to "Nurseries," and all expenditures thereunder recorded and classified as provided in the regular cost-keeping system. Regular salaries chargeable to nursery work will be recorded (red ink entry) as a memorandum charge in the column provided for that purpose.

Behind this suballotment separate cards will be filed for each of the 11 projects. No suballotments will be made to these projects, and the cards will be maintained merely for the purpose of apportioning the cost of nursery operations.



Labor charges will be apportioned among the various projects at the end of each month on the monthly labor report. Other charges for materials, supplies, etc., will be entered when the vouchers are submitted for payment. When the cost-keeping record is maintained by the supervisor, invoices covering such expenditures will be sent to the officer in charge of the nursery, who will indicate what proportion of the total bill should be charged to each project. The invoice will then be returned to the supervisor, who will make appropriate entries on the project cards.

The project cards should be closed annually, immediately after the removal of the trees for distribution in the fall. When mulching of one-year or two-year seedlings is practiced, however, the cards for these projects should be continued after closing until the following spring, when the costs of winter mulching will be totaled (not including any charge for minor projects) and the records finally closed. If new seed beds are prepared or sown in the fall or if any supervision is necessary during the fall or winter, these charges should be entered on the project cards for the next year.

#### **Major Projects.**

*Project 1—First-year seedlings.*—To this project should be charged all expenditures for one-year seedlings from the preparation of seed beds (except clearing ground, which should be charged to permanent improvements) to transplanting, if done within the year, or to the beginning of the second growing season. The following items should be included under this project: Plowing ground, preparing seed beds, sowing seed, mulching seed beds, removing mulch, weeding, watering, care of seedlings, spraying, root pruning, winter mulching, removal of winter mulching, and all other items during the first year, except cost of seed, which will be taken up when the final cost of tree production is obtained.

When the cost-keeping record for this project is to be closed, it will be necessary to add charges for the various minor projects. This will be done by prorating these charges among the major projects according to the total amount spent on each. Finally the total cost of the project will be divided by the number of thousand trees in first-year seed beds to give the cost per thousand.

*Project 2—Second-year seedlings.*—When the seedlings are transplanted at the end of the first year, this project is unnecessary. It should include all expenses for seedlings from the beginning of the second growing season to transplanting or distribution. This will include such items as care during second year, spraying, root pruning, shading, winter mulching, and removal of winter mulch.

The entries for minor projects will be made as under Project 1, and the cost per thousand obtained in the same way.

*Project 3—Transplanting.*—This project covers all expenses connected with transplanting, from digging the seedlings to placing them in the transplant beds, including preparation of transplant beds. Entries for the minor projects will be made and the cost per thousand obtained by dividing the total cost for the year by the number of thousand trees transplanted during the year. When it is desired to record the cost of transplanting done in the spring, this will be taken as the cost of transplanting obtained for the previous calendar year.

*Project 4—First-year transplants.*—This project includes expenses for transplants after they are placed in the transplant beds until the beginning of the second growing season after transplanting; or if in transplant beds only one year, until distribution. It covers, therefore, cultivating, weeding, watering, spraying, root pruning, and any additional operations required.

Entries for minor projects will be made and the cost per thousand obtained.

*Project 5—Second-year transplants.*—To this project should be charged all expenses for second-year transplants from the beginning of the second growing season after transplanting to distribution. This will include the following operations and any additional ones necessary: Cultivation, weeding, watering, spraying, and root pruning. This project is unnecessary if the trees are left only one year in transplant beds. If the trees are kept three years in transplant beds, or again transplanted, additional projects should be set up.

Entries for minor projects will be made and the cost per thousand obtained.

*Project 6—Stock distribution.*—This includes the cost of digging, sorting, packing, and transporting both seedlings and transplants to the shipping point for shipping to another Forest or to another part of the same Forest or to private parties.

The entries for minor projects will be made as described for Project 1, and the cost per thousand obtained by dividing the total cost by the number of thousand trees distributed during the entire year. The cost of stock distribution in the spring will be taken as that obtained for the previous calendar year.

#### **Minor Projects.**

*Project 7—Mess.*—The chief entries under this project are supplies and wages of cooks and assistants. Care of vegetable garden, hauling supplies and fuel for the mess, and the cost of cooking utensils should also be included. Entries will be made in the same way as described for other projects, and the total charge prorated among the major projects in the manner described above.

*Project 8—Work animals.*—The chief entries under this project will be hire of animals not owned by the Government, feed and labor in caring for work animals whether hired or owned, and such expenses as cutting hay, sowing and harvesting oats, etc.

*Project 9—Administration.*—This project should include expenses for labor, materials, etc., incurred in official correspondence, preparation of plans and reports, accounts, time spent with official visitors, and general supervision and travel not chargeable to any special project. Where a foreman is employed at the nursery, this project will cover all of his time which is not chargeable to any other more specific project. It will also include time of the supervisor devoted to nursery work not chargeable to any other project. It will not include the time of the supervisor or clerk at Forest headquarters spent on nursery accounts, reports, and other matters.

*Project 10—Maintenance.*—To this project should be charged labor, materials, etc., used in making repairs, cleaning station grounds, and constructing equipment or improvements which will last for less than five years. It should include the cost of expendable articles and miscellaneous items not chargeable to any other project.

*Project 11—Permanent improvements.*—To this project should be charged expenses for labor, materials, etc., in constructing nursery improvements which will be used for at least five years. Such improvements include clearing ground, road and fence construction, shade frames, water system, buildings, work animals, and nonexpendable equipment. The entire cost of improvements used solely for the nursery should be charged to the nursery. In the case of permanent improvements used also for other purposes, as buildings occupied for both nursery and ranger headquarters, only an equitable part of the cost of construction should be charged to the nursery.

The cost of permanent improvements should be apportioned over a period of from 5 to 20 years, depending upon the time during which the improvements will be in use in the judgment of the supervisor. This apportionment will be made on Form 350, which should be kept in the file directly behind the project card, Form 21, on which the permanent improvement record is kept. The total cost of improvements during any given year should be entered in the column to the left; and from 5 to 20 per cent of this amount apportioned on the same horizontal line to each of the succeeding 20 to 5 years, depending on the average estimated time during which the improvements will be in use. The total amount of permanent improvement expense to be charged against any one year will be the sum of all annual charges entered under the column for that year. The reverse side of Form 350 should be used in apportioning improvement charges, and additional cards employed when necessary.

#### **Cost of Tree Production.**

The system described for apportioning expenses among the several projects is not only to determine the amount expended on each project, but also the cost of tree production of each species.

Each year the cost of seed of each species sown will be entered on the first line of a card, Form 351, filed behind the project cards. Whenever part of the stock from this sowing is transplanted, a new card will be started and con-



tinued until the stock has been distributed. All removals from the main stock for transplanting or distribution, except the final removal of the lot, should be indicated by red ink and the cost of the stock removed credited to the cost of that remaining. Whenever a red-ink item for transplanting is carried over to another card, it should be entered in black ink.

In the column "No. of M" should be entered the number of trees remaining in the nursery, the number transplanted or distributed, and losses due to death of stock or errors in estimates. "Cost per M from project cards" will be obtained from the various major products. "Current cost" is the product of the "No. of M" and "Cost per M from project cards," in the case of stock remaining in the nursery; or of the "No. of M" and the "Cost per M, stock" (as given on the previous line), in the case of trees transplanted or distributed. "Total cost" represents in every case the total cost of the stock remaining in the nursery to date. "Cost per M, stock" is obtained by dividing the total cost by the number of M in the nursery. "Cost per M, stock distribution" is taken from the stock-distribution project card for the year given. "Cost per M, total" is the sum of "Cost per M, stock" and "Cost per M, stock distribution."

Sample forms showing correct methods of filling out the original and subsequent cards follow. All figures in italics are red-ink entries.

[Form 351.]

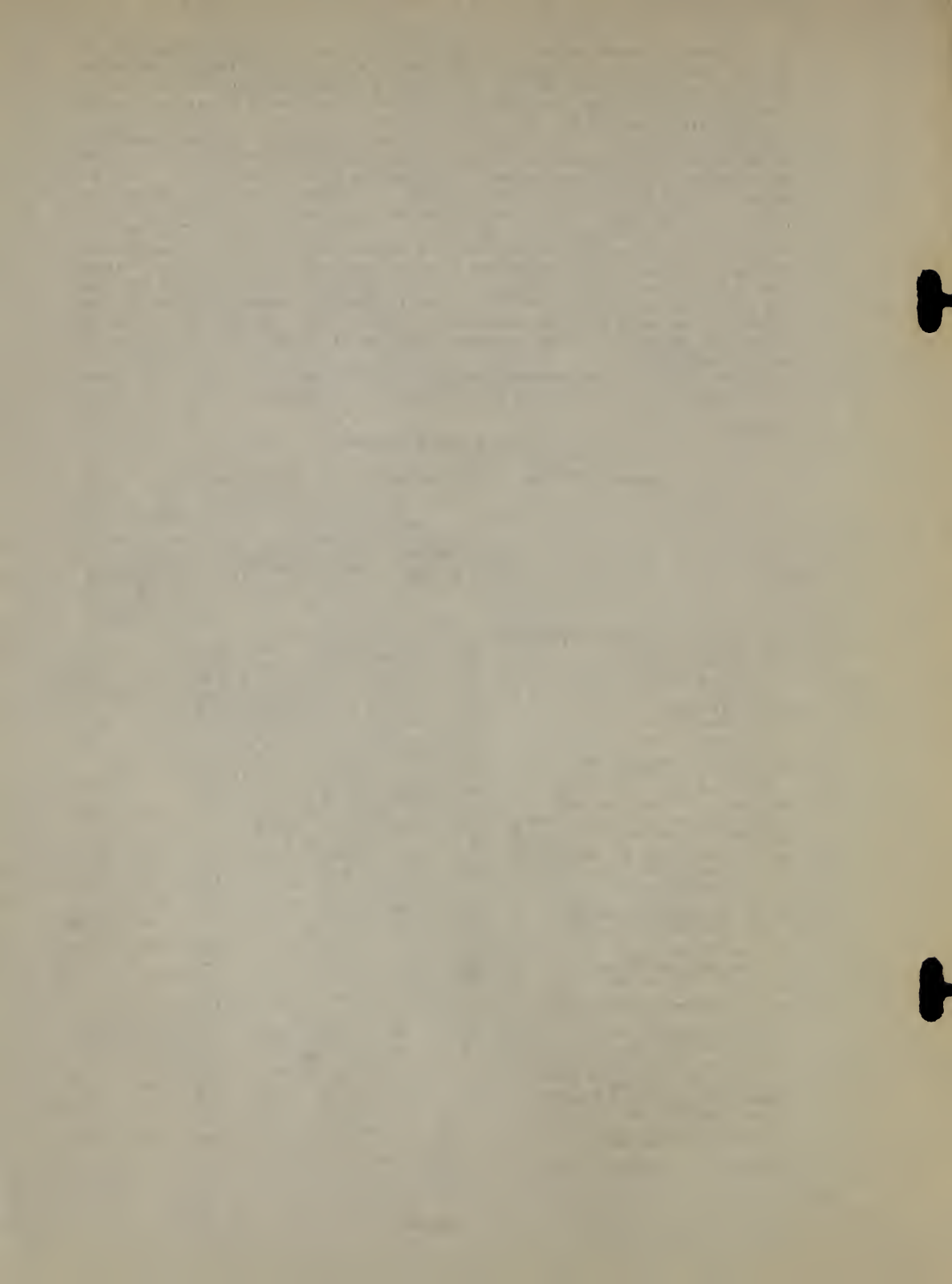
### Cost of tree production.

Species *P. ponderosa*.

Sowing of spring, 1914.

Boulder nursery.

	No. of M.	Cost per M from project cards.	Current cost.	Total cost.	Cost per M.		
					Stock.	Stock distribution.	Total.
Seed, 125 pounds, at 60 cents per pound.				\$75.00			
First-year seedlings, fall, 1914.....	500	\$0.35	\$175.00	250.00	\$0.50		
Transplanted, fall, 1914.....	30		15.00	235.00	.50		
Distributed, fall, 1914.....	10		5.00	230.00	.50	\$0.60	\$1.10
Loss.....	10						
First-year seedlings, spring, 1915.....	450	.05	22.50	252.50	.56		
Transplanted, spring, 1915.....	20		11.20	241.30	.68		
Distributed, spring, 1915.....	20		11.20	230.10	.68	.60	1.16
Loss.....	30						
Second-year seedlings, fall, 1915.....	380	.50	190.00	420.10	1.11		
Transplanted, fall, 1915.....	20		22.20	397.90	1.11		
Distributed, fall, 1915.....	20		22.20	375.70	1.11	.55	1.66
Second-year seedlings, spring, 1916.....	340	.05	17.00	392.70	1.16		
Distributed, spring, 1916.....	40		46.40	346.30	1.16	.55	1.71
Transplanted, spring, 1916.....	300	.60	180.00	526.30	1.75		
Loss.....	30						
First-year transplants, fall, 1916.....	270	.45	121.50	647.80	2.40		
Distributed, fall, 1916.....	40		96.00	551.80	2.40	.65	3.05
Distributed, spring, 1917.....	20		48.00	503.80	2.40	.65	3.05
Loss.....	10						
Second-year transplants, fall, 1917.....	200	.40	80.00	583.80	2.92		
Distributed, fall, 1917.....	95		277.40	306.40	2.92	.70	3.62
Loss.....	5						
Distributed, spring, 1918.....	100			306.40	3.06	.70	3.76
First-year seedlings, fall, 1914.....	30			15.00	.50		
Transplanting, fall, 1914.....	30	.55	16.50	31.50	1.05		
Loss.....	5						
First-year transplants, spring, 1915.....	25			31.50	1.26		
Loss.....	1						
First-year transplants, fall, 1915.....	24	.50	12.00	43.50	1.81		
Distributed, fall, 1915.....	4		7.24	36.26	1.81	.55	2.36
Loss.....	2						
First-year transplants, spring, 1916.....	18			36.26	2.01		
Distributed, spring, 1916.....	3		6.03	30.23	2.01	.55	2.56
Second-year transplants, fall, 1916.....	15	.40	6.00	36.23	2.41		
Distributed, fall, 1916.....	4		9.64	26.59	2.41	.65	3.06
Loss.....	1						
Distributed, spring, 1917.....	10			26.59	2.66	.65	3.31





# FOREST INVESTIGATIONS.

## POLICY.

### Importance.

Forest investigations of systematic character and conducted with scientific accuracy form an important part of the work of the Forest Service, both as a means of building up the science of forestry in the United States and of assisting and improving the administration of the National Forests. The assistance and cooperation of all members of the Service in conducting investigations are essential.

### Scope.

The investigations cover all activities of the Forest Service, especially silviculture, including reforestation, tree and shrub distribution, volume and yield measurements, forest influences, protection from fire, insects, and disease, lumbering methods and costs, stumpage appraisals, dendrology, grazing, and utilization of forest products. Studies of particular problems will not be undertaken unless the data to be obtained will be of practical value to the Forest Service or to timber owners and users in general.

### Investigative and Administrative Projects.

An investigative project aims at the determination of principles which are fundamentally and generally applicable. An administrative project seeks information on a specific case which requires administrative action but does not involve fundamental principles. All investigative projects will be approved or disapproved by the district and central investigative committees. The committees will also report on the advisability of proposed administrative projects, but such projects will be approved or disapproved by the chief of the branch concerned. If approved, they will be included in the annual program of investigative work. The central investigative committee will determine whether a project is investigative or administrative in character.

### Publication.

The publication of results is an important step in the completion of investigative work. It is not necessary, however, that the results of individual studies should be published separately, since the scope and objects of publication may require assembling data from several studies. The following standard series of publications with definite objects and scope has, therefore, been established. Manuscripts will be prepared for publication to fit these series.

## GRAZING INVESTIGATIONS.

1. *Improvement of range by seeding to cultivated forage plants.*—This series includes investigations on seeding cultivated forage plants and experimental work on the selection and development of species of special forage value.

2. *Improvement of range by natural reseeding.*—This series includes experiments and practice in range improvement through allowing existing native vegetation to reseed naturally by total protection against grazing, light stocking, or rotation in grazing.

3. *Distribution and economic importance of forage plants.*—This series includes studies of herbaceous and shrubby plants of forage value on the National Forests, with special reference to their practical bearing upon the administration of grazing.

4. *Methods of handling stock.*—This series covers lambing, herding, salting, watering, range improvements, and other phases of the live-stock industry related to efficient management of grazing lands on National Forests.

5. *Range development*.—This series includes water development, trail construction to open up new range, and similar improvements forming permanent part of the range.

6. *Influences of grazing*.—This series includes the relation of grazing to tree reproduction, floods and erosion, forest fires, and municipal water supply.

#### INVESTIGATIONS IN FOREST PRODUCTS.

The following six series, although covering most publications on forest products, are not intended to limit their scope strictly. Individual publications may relate to more than one series.

7. *Properties of wood—Mechanical, physical, and chemical*.—This series includes investigations of the bending strength, compression strength, shearing, stiffness, hardness, swelling, shrinkage, structure, durability, penetrability, inflammability, cellulose content, ash content, lignin content, etc., of American woods.

8. *Processes of converting wood into usable products*.—This series includes processes and methods in kiln-drying, distillation, wood preservation, pulp and paper manufacture, and the production of other products from woods.

9. *Products derived from woods*.—This series includes investigations to determine products and yields from woods by various processes and methods.

10. *Wood-using industries*.—This series contemplates a bulletin on each industry showing the quantities and kinds of wood required and the sources of supply.

11. *Utilization by species*.—This series covers the more important commercial timbers, showing the position of each in the wood-using industries and wood consumption in the United States.

12. *Utilization leaflets*.—This series consists of brief accounts dealing with the various species and wood-using industries.

#### SILVICULTURAL INVESTIGATIONS.

13. *Silvics and dendrology*.—This series contains information on the botanical description, life history, and growth of important timber trees. Data on management and utilization will be included where possible.

14. *Forest management*.—This series deals with the management of the tree, its utilization, proper methods of cutting, possibility of thinnings, and natural and artificial reproduction. It includes studies of types or regions as well as species.

15. *Reforestation*.—This series deals with general reforestation problems and with individual species when desirable.

16. *Forest influences*.—This series deals with the relation of forests to climate, the melting of snow, rate of run-off, stream flow, erosion, etc.

17. *Wood-lot management*.—This series deals with wood-lot management, by regions presenting similar silvicultural and marketing problems.

18. *Forest mensuration*.—This series contemplates the critical analysis of forest measurements and publications dealing with fundamental laws of tree growth, the comparative growth of different species, methods of working up field measurements, etc.

19. *Wood structure*.—This series includes investigations in wood structure as a basis for identification.

20. *Forest distribution*.—This series includes studies in forest distribution.

#### GENERAL INVESTIGATIONS.

21. *Forest statistics and economics*.—The purpose of this series is to interpret tendencies in the lumber industry and the existing situation as regards timber supply, consumption of lumber, etc.

22. *Forest utilization*.—This series includes analytical studies of logging and manufacturing methods and costs. It has reference particularly to scientific stumpage appraisals and to industrial developments of importance in forest exploitation.

23. *National Forest and technical manuals*.—This series covers the regulations and instructions governing the administration of the National Forests and the various branches of technical work involved.



## ORGANIZATION.

### Central and District Investigative Committees.

As far as practicable, the investigations of the Service will be directed by a central committee at Washington in cooperation with the respective branches. Under the direction of the Forester this committee will review plans for proposed studies, correlate the projects recommended by the branches and districts, and exercise general supervision of the investigative work of the Forest Service. The chairman, who shall be a specialist in investigative work, and other members of the committee will be appointed by the Forester.

As far as practicable the investigative work in each district will be directed by a district committee in cooperation with the respective offices. Under the direction of the district forester this committee will review and correlate all proposed studies in the district and exercise general supervision of its investigative work. The committee will consist of one representative of each of the major lines of investigation—silviculture, grazing, and products (in districts where products work is conducted)—and one supervisor of technical training. Aside from the supervisor, the members of the committee should, as far as practicable, be men engaged primarily on investigative work. The members will be appointed by the Forester on recommendation of the district forester.

It will be a duty of district committees and, so far as other work permits, of the central committee to acquire direct familiarity with investigative work under approved projects and to study its methods and effectiveness on the ground. As far as feasible members of the central committee should visit experiment stations, the Madison laboratory, and other important localized investigations.

The district forester may utilize the district committee as far as he deems advisable for the preparation and scrutiny of details under investigative projects, the review of working plans, and the direction of studies conducted under them. Similarly branch chiefs may call upon the central committee for such advice or assistance as they desire in the prosecution of approved projects, the review of working plans, and the handling of other current matters in investigative work.

The chairman of each committee is its executive head and is responsible for seeing that its work is done. The chairman may, in accordance with procedure fixed by the committee itself or the instructions of the district forester or Forester, as the case may be, take action on routine or current matters in the absence of the other members.

### District Program.

By December 15 of each year each district office chief will submit to the district investigative committee, through his representative, an annual program of investigative work under the direction of his office. This program should show for both investigative and administrative projects:

1. Progress made on all approved projects during the past calendar year.
2. Projects proposed for the ensuing calendar year.

A summary statement will be prepared for each project, both new and old, covering the following points:

1. Name of project (subactivity).
2. Object.
3. Cooperation with other units or agencies.
4. Location.
5. Date begun.
6. Results accomplished.
7. Plans for further work.
8. Probable date of completion.
9. Assignment.
10. Proposed expenditures for next fiscal year.

A separate sheet of letter size should be used in reporting on each project. The information given should be sufficient to enable the district and central investigative committees to determine the progress during the year, the advisability of further work, and the probable cost. New projects should not be included in the program until a preliminary review of other investigations bearing upon the subject has confirmed their necessity and practicability.

The district committee will review the program submitted by each office, which the office delegate should be prepared to discuss and explain. This review should cover:

1. The value of each project under way or proposed.
2. The scope of each project, whether too broad or too restricted.
3. Possible correlation with investigations in progress or proposed by other offices.

Following this review the district committee will:

1. Prepare a program of investigative work for each office containing the projects approved, with recommendations desirable under the foregoing heads. Projects proposed by the offices but disapproved by the committee should also be listed, with reasons for their disapproval.

2. Make such suggestions as it deems advisable regarding administrative projects under way or proposed.

3. Supplement the program with recommendations on the district policy in investigative work.

Copies of the findings of the district committee will be submitted to the office chiefs and district forester. The findings should be considered at subsequent conferences and an annual program of work prepared for the district covering the foregoing points. Four copies of this program should be submitted to the Forester by January 15, together with the district forester's estimate of expenditures on investigative work during the ensuing fiscal year.

#### **Service Program.**

The programs of work submitted by the districts will be considered by each branch at Washington and correlated with other investigative work contemplated by the branch concerned.

On or before February 1 each branch chief will submit to the central investigative committee, through his delegate, a program of work for the branch. The branch programs will cover the subjects given above for office programs.

The branch programs will be reviewed by the central investigative committee and findings prepared as outlined for district committees. The central committee will also review projects listed by branch chiefs as "administrative." If it concurs in their classification, such projects will be included in the program without comment. Otherwise the committee will designate such projects as investigative and pass upon them in the regular manner.

The findings of the central committee will be considered by the Forester in conferences with the branch chiefs and the approved program of work and investigative policy issued for the Service.

As far as possible, new projects and important modifications in approved projects will be held for inclusion in the annual program. Urgent work of either character arising at other times of the year will in any event be considered by the district committee before submission to the Forester. It will then be referred to the central committee if available; otherwise it may be authorized or held for the next meeting of the central committee as the Forester deems advisable. New projects or modifications of projects thus authorized will be incorporated in the next investigative program.

The foregoing procedure does not apply to minor investigations conducted by Forest officers in connection with administrative duties without the use of additional funds. Such minor investigations, however, should be directed as far as practicable by the district committee through the office chiefs and correlated with the regular investigative work of the district. They may be incorporated in the annual program in the discretion of the district committee.

#### **Assignment of Projects.**

Administrative action to put the approved investigative program and policy into effect, including the assignment of projects, will be taken by the branch chiefs or proper executive officer in each unit of organization. Approved projects should not be assigned to field officers merely to stimulate scientific interest or for educational purposes, but will be handled as far as practicable by specialists in investigative work, who will be responsible for the results secured.

#### **Working Plans.**

The officer in charge of each project will prepare a working plan which should include:



1. As detailed a statement as necessary of previous work on the subject with an abstract of the conclusions established.

2. An explicit statement of the object of the investigation and the main questions to be answered.

3. A statement of the methods to be used. Sufficient detail should be included to give the reviewing officer a clear understanding of the investigator's plan of work.

4. As exact a statement as possible of the location of field work.

5. An estimate of costs, itemized for the current calendar year and approximated for subsequent years.

6. The personnel which will work on the project.

7. Probable date of completion.

8. The use to be made of results. If in a publication a tentative table of contents should be furnished whenever practicable.

Working plans for projects bearing on the work of another branch or office will be submitted to it for criticism and suggestions. When different phases of the same project are studied by different branches or offices, the working plan should be prepared by them jointly.

Every working plan will be approved by the chief of branch or such executive officer as he shall designate. It will constitute written instructions for carrying on the project, and will not be departed from in any essential respects without the concurrence of the approving officer. Working plans for continuing projects will be brought up to date at the beginning of each calendar year and necessary modifications approved in accordance with the foregoing instructions. Field work will not be started on a project before the approval of the working plan except by permission of the approving officer.

#### **Reports on Approved Projects.**

Copies of working plans and modifications and of progress and final reports on approved projects will be filed with the district forester and Forester. Progress and final reports should be forwarded to the Forester by the district forester as soon as they are submitted, with his comments or recommendations.

#### **Experiment Stations.**

As far as possible, investigative work of a technical and experimental character will be conducted at Forest experiment stations and the Madison laboratory. The purpose of experiment stations is to establish fundamental principles or laws which may be generally applied, and not merely to study local problems. Such studies will not be regarded as complete, however, until their results have been applied under varying conditions on Forests where opportunities exist for making effective tests. Substations conducting studies similar to those at the main stations and under its director may be established as far as necessary to include a range of forest conditions typical of the entire district.

Work on particular problems will be confined to districts where they can be studied to the best advantage. Other districts having the same problems should await definite results from such investigations and then test their applicability to local conditions.

The officer in charge of each experiment station will report directly to the district forester, to whom he will have the same relation as a supervisor. He will have no authority in the administration of the National Forest except over areas withdrawn for the use of the experiment station. The supervisor will have no jurisdiction over experimental areas aside from furnishing the necessary protective force. Areas will be reserved for experimental use only upon mutual agreement between the director of the station and the supervisor or by the district forester.

Researches at experiment stations will be supplemented when necessary by studies of local problems or investigations which, to be effective, must cover all or most of the district. Such supplementary studies may be conducted under the immediate direction of the experiment station or the district office at the discretion of the district forester.

#### **Reports.**

The director of each experiment station will submit annually to the district forester by December 15 a detailed report upon the business of the station.

This should form part of the annual investigative report of the district. It should cover changes in personnel at the station, improvements, stock available in nurseries, and other administrative transactions connected with the conduct of the station, together with plans for the coming year. A copy of this statement should be submitted by the district forester to the Forester in transmitting the report of the district investigative committee, with such comments as he may care to make.

#### Forest Descriptions.

In addition to the investigation of approved projects a silvical description of forest types and the characteristics of species composing them should be prepared on each National Forest and extended from time to time. This general study should be conducted by an officer of technical training under the direction of the supervisor, with the cooperation of other members of the force. It should be cumulative, the results being revised and extended as additional data are secured. Its aim is to make available in concrete form all of the silvical information on each forest accumulated by members of the Service. Copies should be filed with the district forester and Forester.

The following ground should be covered:

#### I. THE FOREST.

1. A complete list of trees, giving scientific names and common names in local use.
2. A complete list of shrubs.
3. The permanent types occurring on the Forest and the factors which differentiate them (climate, exposure, topography, altitude, soil, etc.). Permanent types should be distinguished by the physical conditions of the locality, not the composition or age of the present stand or other variable factors.
4. A silvical description of each type, to include:
  - (a) Its approximate proportion in the Forest.
  - (b) Its site conditions, climate, soil, altitude, topography, exposure, etc.
  - (c) Its forestal characteristics, composition, interrelation of various species, even or uneven aged stands, ground cover, humus conditions, etc.
  - (d) External influences operative in the type, fires, grazing, storms, etc.
  - (e) Recommendations for silvicultural management; results of former cuttings and how they can be improved.
  - (f) The presence of temporary types, discussing the cause and life cycle of each. Special emphasis should be given to types recognized in the standard Service classification.

#### II. THE INDIVIDUAL SPECIES.

1. Habit: Average and maximum diameter and height at maturity; form of crown and bole at different ages; root system at different ages and under different soil conditions.
2. Occurrence: Distribution throughout the Forest; effect of altitude, exposure, soil, atmospheric and soil moisture, and other factors; the species with which it is commonly associated.
3. Soil and moisture requirements: Soil preference of each species; its soil and atmospheric moisture requirements; list the species in order of their demands for soil quality and moisture.
4. Tolerance of shade: Tolerance of each species at different ages; its tolerance compared with that of important associates; its ability to grow in dense shade and to recover from suppression.
5. Growth and longevity: Rapidity of height and diameter growth of all species, with growth tables when possible; comparison with associates; average age to which each species remains sound and vigorous; maximum age recorded.
6. Reproduction:
  - (1) *Seed production*.—Abundance of seed and frequency of crops; method and time of dissemination; agencies which destroy seed and decrease its vigor.
  - (2) *Seedling development*.—Time of germination and appearance of seedlings; conditions favorable or detrimental to germination and early development.
  - (3) *Sprouting*.—From stump, root, or both; vigor and permanence of sprouts.



7. *Susceptibility to injury*.—Effect of wind, frost, lightning, fire, etc., on each species; effect of grazing; liability of the species to attack by fungi and parasitic plants; liability to insect attack, discussing any special instances of insect infestations and beneficial effects of animals and birds.

#### **Cut-over Areas.**

As far as practicable, studies of cut-over areas less intensive than formal investigative projects should be conducted on important timber sales or sales typical of the various commercial types. Their aim is to determine for administrative purposes the condition in which sale areas are left and the best methods of cutting, slash disposal, etc., for each type. Such studies form a part of sale administration and should be conducted by the timber-sale personnel. They should cover as much of the following ground as is practicable in each case:

1. *Description of original cutting area*.—Location, altitude, slope, soil, ground cover, forest (species, age, size, stand per acre, condition, etc.), reproduction, method of cutting, etc. The forest description on Form 578a accompanying the timber-sale report and the marking rules for the sale are ordinarily sufficient, but should be supplemented whenever necessary. After the sale has been closed this form should be removed from the timber-sale folder and filed with the records of the cut-over area.

2. *Condition of cut-over area*.—A brief description of the remaining stand as to quantity, size, distribution, species, reproduction, etc., and as full a statement as necessary on height of stumps, utilization of material, brush disposal, necessity for artificial reforestation, and similar points. This report will form the basis for administrative action necessary to put the area in good condition before the sale is closed.

3. *Results of cutting*.—Changes in the stand left after cutting, in soil and ground cover, and especially the progress of reproduction. Examinations of cut-over areas should be made as often as necessary to follow all changes closely, usually at intervals of three to five years, and should be continued until the results of cutting are thoroughly established.

Reports on cut-over areas may be called for as deemed advisable by the district forester.

#### **Technical Reports.**

Topics for technical reports may be assigned by the district forester to forest examiners or assistants who are qualified to prepare a valuable report on some specific subject in connection with their regular work, and can do so without interference with more urgent duties. Such topics may cover any phase of National Forest work in which the officer has had special experience or opportunity for observation, and should have practical bearing upon the administration of the Forests.

Technical reports will be submitted in duplicate to the district forester, who will see that they are read and acknowledged, and that data having an administrative bearing are fully utilized. Copies will be forwarded to the Forester with copies of letters commenting upon them.

#### **Forest Distribution.**

All forest officers should cooperate in the collection of data on the botanical and commercial distribution of North American trees. Definite records of the occurrence of a species, even within its generally known range, are desirable, while records of the outside limits of its range are particularly valuable. To avoid confusion, distribution notes should refer to species by their scientific names, if possible; otherwise, by the name provided for under "Common names of trees," page 110.

In cases of doubt as to the identity of a species, specimens of mature foliage, and, if possible, of flowers and fruit should be forwarded to the Forester. Such specimens should be accompanied by accurate notes, preferably on Form 767-s, as to the exact locality where they were collected, altitude, aspect, occurrence, associated species, etc. Each specimen should be numbered and two duplicate sets, similarly numbered, retained in the supervisor's office. One of these sets will form part of the Forest herbarium while the other will be forwarded to the district herbarium, on request of the district forester. Herbarium specimens should be sent by supervisors direct to the Forester, but correspondence

concerning them should be forwarded in duplicate through the district forester, who will retain one copy. Similarly, any specimens returned by the Forester will be sent direct to supervisors, but correspondence concerning them forwarded in duplicate through the district forester. This will enable the district forester to keep in touch with the work and to request from supervisors any specimens desired for the district herbarium. Unless their return is requested, specimens submitted for identification will be retained in the Washington herbarium.

The wood collection is maintained at the Madison laboratory, to which all wood specimens and correspondence regarding their identification should be addressed.

The range maps in the Washington and district offices will be kept up to date by a regular interchange of data. At the beginning of each calendar year the district forester will forward to the Forester, in the form of notes, all changes in the range of species occurring in his district which have been noted during the previous year. These notes, together with any additional range data secured during the year by the Washington office, will then be forwarded to the other districts concerned.

#### Common Names of Trees.

When the common names of trees are used, the nomenclature in Forest Service Bulletin 17, "Check List of the Forest Trees of the United States," should be used, with the following exceptions:

Species.	Check-list name.	Standard name.
<i>Pinus monticola</i> .....	Silver pine.....	Western white pine.
<i>Pinus resinosa</i> .....	Red pine.....	Norway pine.
<i>Pinus ponderosa</i> .....	Bull pine.....	Western yellow pine.
<i>Pinus contorta</i> .....	Shore pine.....	Lodgepole pine.
<i>Tsuga mertensiana</i> .....	Black hemlock.....	Mountain hemlock.
<i>Pseudotsuga taxifolia</i> .....	Douglas spruce.....	Douglas fir.
<i>Abies grandis</i> .....	Lowland fir.....	Grand fir.
<i>Thuja plicata</i> .....	Giant arborvitae.....	Western red cedar.
<i>Juniperus virginiana</i> .....	Red juniper.....	Red cedar.
<i>Alnus tenuifolia</i> .....	Paperleaf alder.....	Mountain alder.
<i>Liriodendron tulipifera</i> .....	Tulip-tree.....	Yellow poplar.
<i>Liquidambar styraciflua</i> .....	(Red, or) Sweet gum.....	Red gum.
<i>Acer macrophyllum</i> .....	Oregon maple.....	Broadleaf maple.

Since the publication of the check list a number of new species have been added in "Forest Trees of the Pacific Slope." If necessary to use their common names, the nomenclature given in this publication should be followed.

To avoid confusion it is important that common names be used strictly in accordance with the nomenclature provided above. The use of indefinite names, such as piñon, juniper, cedar, cypress, spruce, fir, larch, oak, etc., should be avoided when referring to a particular species.

#### Insect Infestations.

Purely investigative work on forest insects will be conducted by the Bureau of Entomology, with such cooperation from the Forest Service as may be requested. Control projects on National Forests will be handled by the Forest Service in accordance with the procedure outlined under "Administration" and "Protection."

Specimens of insects and their work which it is desired to have identified by the Bureau of Entomology will be sent by the supervisor directly to the branch of forest insect investigations in that bureau. They should be accompanied by a statement of the date and place of collection, name of collector, species of tree attacked, and proper reference to any correspondence on the matter. Specimens of bark beetle work should be large enough to show the form of the galleries. Correspondence regarding material submitted to the Bureau of Entomology for identification will be transmitted in triplicate through the district forester and Forester, each of whom will retain a copy. The Bureau of Entomology will similarly reply in triplicate through the Forester and district forester.



#### **Tree Diseases.**

Studies of tree diseases will ordinarily be made by pathological experts of the Bureau of Plant Industry in cooperation with the Forest Service. Whenever information is desired on the identification or control of tree diseases the matter should be taken up through the district forester with the consulting pathologist, if there is one in the district; otherwise with the office of forest pathology, Bureau of Plant Industry, Washington, D. C. In the latter case the specimens should be sent directly to the Bureau of Plant Industry, but correspondence should be transmitted in triplicate through the district forester and Forester.

All specimens should be accompanied by a statement of the date and place of collection, name of collector, name of the tree on which the specimen was found, and proper reference to correspondence. Fleishy fungi which are likely to decay in transit should be thoroughly dried before shipment or sent in some preservative liquid, such as alcohol or vinegar. Specimens should be sent by mail whenever possible; otherwise by express, charges collect.

#### **GRAZING AND FOREST PRODUCTS INVESTIGATIONS.**

Information regarding investigations in grazing and forest products is contained in the Grazing and Forest Products sections of the Manual. Such investigations will be conducted under the immediate direction of experts, but will be reviewed by the district and central investigative committees and correlated as far as practicable with other investigative work.





## WORKING PLANS.

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### **Object.**

The object of working plans is to systematize the management of each Forest in accordance with the cumulative experience and information which the Service has acquired.

### **Scope.**

A working plan is a systematic statement prepared from the best information available:

- (1) Of the resources of the Forest.
- (2) Of the conditions governing their use and development.
- (3) Of the measures to be followed in their administration.

Subdivision into the following sections, representing the more important activities, is to provide for flexibility in the preparation and use of working plans:

- I. General forest description.
- II. Silviculture.
- III. Grazing.
- IV. Lands.
- V. Protection.
- VI. Improvements.
- VII. Administration.

Each plan should provide for the management of one administrative unit or Forest. Subdivisions may, however, be made for administrative purposes because of important market, topographical, or other considerations, each of which will be managed separately with respect to timber sales, protection, or other important activities.

Every effort should be made to adapt plans to actual needs and conditions and to prepare them in substance and form for the most effective administrative use.

### **Preparation.**

A working plan should be prepared for each Forest whenever practicable, in view of the data available, by the forest officers best qualified for this duty in the judgment of the forest supervisor and district forester. The supervisor will, however, be responsible for its completion. Preparation of the plan may be gradual, by sections or parts of sections, in the order of importance, and extend over a considerable period; or the entire plan may be completed in preliminary form within a short time, if practicable and necessary.

The degree of intensiveness in each section of the plan or part of a section will depend upon the data available and the actual needs of administration. Intensive methods like the management of timber so as to secure a sustained yield should not be attempted until required by the demands upon the Forest or other conditions affecting the use of its resources. Sections and parts of sections may be revised and made more complete and final in character as the need arises and more data become available. A satisfactory working plan will necessarily be built up gradually as more is learned about the Forest or district and about the best ways of handling it. The object is to furnish the information currently needed and its specific application to the present work of the Forest in the form which will be of the greatest possible assistance in each phase of administration, not only to rangers and supervisors but also to the district forester.

### **Approval.**

Working plans will be approved by the district forester. Sections which are intensive in character will be submitted to the Forester for approval.

## Working Plan Manual.

Detailed instructions for the preparation of working plans are included in the Working Plan Manual.

### Timber Reconnaissance.

Timber reconnaissance will be restricted to areas in immediate demand for purchase or which must be estimated to complete a working plan required to provide for urgent local needs. All reconnaissance projects should be approved by the Forester before they are undertaken. The district foresters will submit to the Forester by March 1 of each year a summary of the reconnaissance completed or in progress during the current fiscal year, with a list of the projects recommended for the ensuing year and the estimated cost of each.



## **COOPERATION.**

### **POLICY.**

It is the policy of the Forest Service to cooperate, as far as its resources, the urgency of its regular duties, and the statutory limitations upon its activities will permit, with Federal and State agencies and private owners in the protection of timberlands from fire, the conservative management of forests, and the reforestation of denuded areas adapted to tree growth. Assistance will also be furnished to any branches of the Federal and State Governments, as far as possible, on matters of scientific forestry, fire protection, timber utilization, timber inspection, market specifications, and the like on which members of the Service are able to give expert advice.

#### **Reimbursement of Costs.**

Such cooperation varies greatly in scope and character and has no fixed procedure. As a general principle, any work done for the benefit of cooperators will be conditioned upon reimbursement of the actual cost to the Service for both salaries and field expenses by the agencies or persons benefited. Partial reimbursement may be accepted in projects of exceptional public importance or from which scientific data of special value to the Service will be obtained, or as specifically provided in the following instructions. Reimbursement may be made by deposits of the estimated amounts required, in accordance with the terms of a formal cooperative agreement. It will also be desirable in many cases to temporarily transfer or loan members of the Service, by furlough from active duty, to cooperators who will pay their salary and field expenses while engaged upon the work in question.

#### **Interference with Regular Service Work.**

No cooperation will be undertaken, however, unless, in the judgment of the officer approving or authorizing it, there will be no serious interference with the regular duties upon which the men involved are engaged; or unless special assistance to discharge such duties can be provided pursuant to the terms of cooperation.

### **PROCEDURE IN FEDERAL COOPERATION.**

Correspondence, examinations, and reports leading to cooperation will be handled by the district office concerned, subject to the instructions under "Departmental" and "Service correspondence." The Forester's approval of the general scope, purpose, and cost of new projects or classes of projects will, however, be obtained before the Service is committed to them. Formal agreements with other departments will be executed by the Secretary.

Ordinarily the cooperating bureau or department should pay the entire cost of the work. In special cases, however, the Forest Service will pay the salary of its representatives.

### **PROCEDURE IN STATE COOPERATION.**

Correspondence with State officials regarding cooperation which they have requested, examinations, reports, and recommendations for action by the State will be handled by the district office concerned, except matters of special importance which in the judgment of the district forester should be passed upon by the Forester. The Forester's approval of the scope, purpose, and approxi-

mate cost of new projects or classes of projects should, however, be obtained before the Service is committed to them. Formal agreements will be signed in triplicate by the Forester or Secretary. One carbon of agreements and of reports and letters to State officials signed by the Forester will be retained in the Washington office.

#### **Cooperation Affecting Two Districts.**

Any cooperation which affects two districts should be fully discussed by the district foresters and joint recommendations agreed upon before they are submitted to State officers or to the Forester. One of the district foresters should be designated by mutual agreement to handle all further business in connection with the cooperation, unless a practicable division of the work, territorially or otherwise, can be made which will not lead to confusion or inefficiency.

#### **Fire Protection Under the Weeks Law.**

The policy governing cooperative fire protection under the Weeks law is described and the form of agreement set forth in Circular 205 (first revision) and in the unnumbered circular, "Forest Fire Protection by the States." Proposed or recommended cooperation under this law should be taken up with the Forester.

### **PROCEDURE IN PRIVATE COOPERATION.**

Private cooperation in planting or forest management will be conducted as outlined in Forest Service Circular 203. It will be handled by the district office except in the case of projects departing from the established policy or requiring an increase in service personnel, when the scope, purpose, and cost of the cooperation proposed will be approved by the Forester.

#### **Private Cooperation Handled by State Agencies.**

It is the policy of the Forest Service to refer to State forest departments, forest schools, experiment stations, or other agencies which have indicated their readiness to comply with such requests, all applications for the examination of private forest lands or for advice or assistance in management or reforestation. Wherever practicable, a working basis should be agreed upon with the forest agencies in each State which are prepared to assist private owners in any of the foregoing ways, under which such applications will be referred to State officers upon their receipt; applications for other kinds of assistance being handled as far as practicable by the Forest Service.

#### **Reports.**

Reports on cooperative field examinations for private owners will ordinarily be prepared in accordance with the "Outline for Examination of Private Forest Lands" or "Planting Plan Studies and Reports." One copy will be sent to the cooperator and at least two extra copies filed in the case folder. Reports on the practice of forestry on private lands will be made on Form 216. Studies of established plantations will be reported in accordance with the instructions in the "Plan for Study of Forest Plantations."

#### **Card Records.**

A card index will be kept, in which applications for cooperation involving field studies will be filed alphabetically by name of applicant and location, and subsequent action recorded.

In States where no record of plantations is maintained by the State forester, a reminder card record will be kept of all correspondents who plan to do commercial planting, in order that cards (Form 891) may be furnished later for reports on the results obtained. When correspondence indicates that planting has already been done such cards will be sent out at once. Upon return they will be filed under the State in which the plantation is located, alphabetically by species and the name of the cooperator.



## **LIBRARIES.**

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### **DISTRICT LIBRARIES.**

#### **Supervision.**

District libraries will be under the supervision of the office of Silviculture.

#### **Receipt of Books.**

Upon receipt of books from Washington Form 185 will be signed and returned, and the subject and author cards filed alphabetically in the catalogue. At the beginning of each calendar year a list of books charged to each district office will be sent in duplicate to the district forester, who will approve one copy and return it to the Forester.

#### **Receipt for Periodicals.**

The receipt of periodicals will be recorded on Form 183, and the Forester notified of irregularities. The Forestry Quarterly, Proceedings of the Society of American Foresters, Botanical Gazette, and other scientific journals are nonexpendable and all issues will be retained in the library intact. Other periodicals are expendable and may be saved, destroyed, or clipped at the discretion of the district forester. Periodicals containing articles of permanent value may be sent to Washington for binding when a volume is complete.

#### **Use of Books.**

Members of the Forest Service may borrow books from district libraries without limit. Books for which calls arise must be returned within two weeks.

#### **Charge Cards.**

When a book or periodical is loaned, a charge card (Form 172) will be signed by the borrower, the date entered, and the card filed alphabetically by author. When the book is returned the date will be entered over the signature of the borrower and the charge card returned to the book pocket. Books needing rebinding will be sent to Washington and the fact noted on the charge card. The file of charge cards will be examined on the first of each month, and persons who have had books more than a month notified.

#### **Purchase of Books.**

Requisitions for the purchase of books, periodicals, or magazines must be approved by the library committee at Washington and the order placed with the publisher by the purchasing agent. Suggestions on books which should be included in the district libraries should be made through the district forester.

#### **Photograph Collection.**

A collection of photographs illustrating forest conditions and administrative methods on the National Forests and elsewhere should be maintained in connection with the district library. Prints desired for the collection may be secured by requisition (Form 988) from the Forester.

### **SUPERVISORS' AND EXPERIMENT STATION LIBRARIES.**

#### **Supervision.**

To aid the work of forest officers, supervisors' offices and experiment stations are provided with small libraries on forestry and allied subjects. These libraries will be under the direction of the Washington office. Whenever a supervisor desires a book he should requisition it by letter in duplicate to the district

forester, giving a brief statement of the need for the purchase. If the district forester approves the requisition, he will forward the original to Washington for action, and retain the carbon in his files. Thereafter the matter will be handled by the Washington office, which will correspond directly with the supervisor. Copies of such correspondence will be sent to the district forester for his information. If the Washington office disapproves the district forester's recommendations, the matter will be taken up directly with the district forester. Form 229 will be sent to supervisors to notify them of each consignment of books shipped.

#### **Charge Cards.**

Charge cards will be used for books and periodicals in supervisors' libraries, as described for district libraries. As in the case of district libraries, the Forest Quarterly, Proceedings of the Society of American Foresters, and other scientific journals are nonexpendable; other periodicals are expendable and may be saved, destroyed, or clipped at the discretion of the supervisor.

#### **List of Books.**

At the beginning of each calendar year a list of books charged to each supervisor will be sent in duplicate to the supervisor, who will approve one copy and return it to the Forester. A copy of this list will also be sent to the district forester for his information.

#### **Use by Rangers.**

Rangers should be encouraged to use books and periodicals from the supervisor's library as much as possible. Special reading courses may be outlined to good advantage to familiarize rangers with the material in the library, and circular letters may be sent at intervals listing the books on particular subjects.

#### **Photograph Albums.**

Photograph albums illustrating general forest conditions and forest activities in different parts of the country and local conditions and activities on the National Forests may be kept in supervisors' libraries. Prints of pictures desired for the album may be secured by requisition (Form 988) from the Forester.

### **DISTRIBUTION OF FOREST SERVICE PUBLICATIONS.**

#### **To Libraries.**

Copies of all Forest Service publications, marked "File copy," will be sent as soon as issued to all district, Forest, and experiment station libraries. The library copies should be placed in temporary binders requisitioned from the Ogden supply depot. Bound volumes for the Washington and district libraries will later be supplied from Washington.

#### **To Ranger Stations.**

Each permanent ranger station will receive copies of selected publications. These will be stamped "File copy, ——— ranger station," and the name of the station filled in before mailing to the supervisor. Such publications should be filed at ranger stations without binders. When changes or additions in headquarters are made the Forester should be promptly informed.

#### **For Office Use.**

A supply of each new publication will be sent to each district forester for office files and for use in office interviews and correspondence. Additional copies may be requisitioned from the Forester on Form 9, Doc. Sec.

#### **For Personal Use.**

Single copies of publications for the personal use of members of the Forest Service may be requisitioned from the Forester on Form 9, Doc. Sec.



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# GRAZING.

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## GRAZING.

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The Secretary of Agriculture has authority to permit, regulate, or prohibit grazing in the National Forests. Under his direction the Forest Service will allow the use of the forage crop as fully as the proper care and protection of the Forests and the water supply permit. The cattle and sheep which are grazed in the National Forests bear an important relation to the supply of beef and mutton in this country, and every effort will be made by forest officers to promote the fullest possible use of grazing resources. The utilization of forage grasses and plants also reduces the fire danger and helps to protect the Forests. In new National Forests, where the live-stock industry is of special importance, full grazing privileges will be given at first, and if reduction in number is afterwards found necessary stockmen will be given ample opportunity to adjust their business to the new conditions. Every effort will be made to distribute the stock satisfactorily on the range, in order to secure greater harmony among the users of the Forests, to reduce the waste of forage by tramping in unnecessary movement of stock, and to obtain a more permanent, judicious, and profitable use of the range.

The leading objects of the grazing regulations are:

The protection and conservative use of all National Forest land adapted for grazing.

The permanent good of the live-stock industry through proper care and improvement of the grazing lands.

The protection of the settler and home builder against unfair competition in the use of the range.

It is expected that the stock owners will earnestly cooperate in carrying out the regulations.

There is no law which gives an individual or corporation the right to graze stock upon National Forest lands, and the grazing use of such lands may be allowed by the Secretary of Agriculture only as a personal and nontransferable privilege. This privilege is a temporary one, allowable under the law only when it does not interfere with the purposes for which the National Forests are created. It is nontransferable because it is based upon the possession of certain qualifications peculiar to the permittee.

By long use of the public lands of the United States for grazing purposes, stock owners have been suffered to graze their stock upon such lands under certain conditions of occupancy, residence, and ownership of improved land or water rights. This use, continued throughout a long period of years, has in the absence of congressional legislation been commonly accepted in many communities, even receiving the recognition of certain of the courts. It is, however, allowed only by passive consent of the United States. By force of the presidential proclamation creating a National Forest, such passive consent ceases and is superseded by definite regulations issued by the Secretary of Agriculture prescribed under the authority of Congress. Grazing stock upon the Forests, except in accordance with these regulations, is trespass against the United States.

Permits will be issued to graze a certain number of live stock in each National Forest, or part thereof, so long as no damage is done by such stock. A reduction will be made from the number of stock grazed during the previous season, if owing to the number grazed or the method of handling the stock, damage is being done to the Forest, and in extreme cases all stock will be excluded.

Permits will usually be granted for one year, but where all controversies have been settled and proper numbers of stock are allowed, the Secretary of Agriculture will authorize the approval of applications for periods of not more than five years, with the understanding that all permits are terminable at any time and that the renewal of permits will be within his discretion.

All grazing permits are issued upon a charge per capita basis, as there are several reasons why the use of National Forest ranges under an acreage lease system is impracticable. It would greatly increase the difficulty of proper silvical development, prevent a proper use of ranges under abnormal natural conditions, and tend to exclude the smallest owners. Adequate protection of the Forest would be rendered difficult if not impossible because a lease even though filled with careful restrictions would give the lessee some right to dictate the use to which the area would be put. During the tenure of the lease no part of the tract could be closed to grazing even though the necessity was urgent to prevent the destruction of seedlings, to secure reproduction on cut-over or burned areas, or to protect important watersheds. The privilege would be a fixed instead of a flexible one, and if during the period forage was destroyed by fire, insects, or other cause the stock would have to be removed from the Forest instead of being transferred temporarily to another range. The leasing system would practically result in a number of individual allotments equal to the number of permittees and this would tend to shut out the small owner because he could not afford to hold his stock upon the small area to which he would be entitled. Fencing of the leased areas would necessitate leases for a term of years, and term leases would not only hamper forest management, but also preclude recognition of new applicants who might be entitled to range.

The majority of the National Forest users are small owners who prefer the right to graze a fixed number of stock rather than the right to use a specified range, with a maximum but no minimum limit.

## AUTHORIZATIONS.

REG. G-1. <sup>a</sup> The Secretary of Agriculture will prescribe the number of stock to be allowed in each National Forest, and will authorize the approval of applications for permits during periods of one or more years, but revocable at any time within his discretion. The yearlong grazing fee to be charged for each class of stock will be determined by the Forester in accordance with Regulation G-9. Seasons less than yearlong will be established by the district forester, who will determine the fees to be charged for each short season in accordance with the established schedule and the provisions of Regulation G-9. When notified of the establishment of grazing allowances and yearlong rates for any National Forest, the district forester will establish and fix the rates for all grazing periods less than yearlong and will transmit instructions to the supervisor, who will issue grazing permits in accordance therewith.

## INSTRUCTIONS AND PROCEDURE.

### Annual Grazing Authorization.

The grazing of any class of stock upon any part of a National Forest is allowed under authority of the act of June 4, 1897, by the Secretary of Agriculture, whose regulations govern the use of public lands within the National Forests and are supreme, even though the State law is in conflict with them. When not in conflict with the Federal law, the State law is effective.

The Secretary of Agriculture prescribes the number and class of stock to be allowed upon each Forest and the schedule of grazing fees. The yearlong fees for each Forest within the limits prescribed by the Secretary of Agriculture are determined by the Forester to secure uniformity between different administrative districts. The short grazing periods and the accompanying fees are determined within the limits prescribed by the Secretary of Agriculture by the district forester to secure uniformity between different Forests in the same district.

<sup>a</sup> Sentence amended; effective Apr. 1, 1917.



**Allowance Letters Effective Until Revoked.**

All instructions in reference to the issuance of permits for any one year will remain in force during subsequent years unless revoked or superseded by other instructions.

**\* Authorization Must Not Be Exceeded.**

The total number of stock allowed under paid permit upon the Forest at any one time during the year must not exceed the number authorized by the Secretary of Agriculture under Regulation G-1.

When the issuance of permits for different short periods causes the total number of stock covered by all permits issued during the year to exceed the number authorized an explanatory note should be added in making the annual report at the end of the fiscal year.

**\* Stock Chargeable Against Authorization.**

All stock upon which fees are paid are counted against the number of stock authorized upon a Forest by the Secretary of Agriculture.

In cases where stock are grazed on one Forest a part of the season, and on another Forest the remainder of the season, the number of paid stock involved should be charged against the authorization for the Forest issuing the permit.

<sup>b</sup> When a portion of a Forest is placed under the administrative control of the supervisor of another Forest, if the stock are to use the adjacent Forest for the entire season, the number for which paid permits is issued should be charged to the authorization of the Forest furnishing the grazing, and the supervisor issuing the permit should furnish two copies of the permit to the other supervisor for his information. (See "Range in two Forests," p. 30.)

**\* Stock Not Chargeable Against Authorization.**

\* Stock grazed free of charge under Regulation G-5; under Regulation G-7; free permits issued under Regulation G-18; free crossing permits issued under Regulation G-8; and all animals under six months of age at time of entry, which are the natural increase of stock covered by permits, are not chargeable against the authorization.

**\* Authorizations on New Forests or Additions.**

Where Forests are created or additions made after the beginning of the grazing season the Secretary of Agriculture, except under unusual circumstances, will authorize the grazing use of the area free of charge and without permit until the beginning of the next grazing year by all persons who have regularly used the range during preceding years for any class of stock. If necessary for the proper control of grazing upon newly created Forests or upon new additions to the Forests, the supervisor may issue herders' identification cards to persons who show priority in the use of the range, retaining a record of each card.

**Stock Census on New Additions.**

During the first season a Forest or new addition in under administration the supervisor should make an investigation to ascertain the names of the stockmen using the range and the number of each kind of stock they are grazing upon it, and any other information necessary for him to make proper recommendations in his annual forest plan in reference to grazing allowances, periods, rates, and the division of the range into grazing districts. This may be accomplished by sending to the rangers a list of all questions upon which the supervisor desires information.

**\* Authorization for Five-year Permits.**

Beginning with the season of 1919, the Forester will authorize the issuance of five-year permits on such Forests, or for such portion of the authorization on each Forest, or for such districts in a Forest, as in his opinion may be justified by the conditions.

When there is doubt regarding the number of stock which may be provided for permanently on any Forest without interference with its silvicultural development or injury to the range, the issuance of five-year permits will be deferred until such studies have been concluded as may be necessary to determine the facts, or restricted to such number of stock as in the meantime can be grazed with safety. Although five-year permits are subject to reduction when necessary to prevent damage to the Forest or range, it is advisable when possible to

\* Subhead modified; effective July 1, 1916.

<sup>b</sup> Paragraph added; effective July 1, 1916.  
April 1, 1921,

(5-G) \* Paragraph modified; effective July 1, 1916.

\* Instructions modified; effective Feb. 15, 1919.

make the sliding scale reductions on overgrazed ranges before beginning the issuance of such permits.

For each five-year period, beginning with the season of 1919, the district forester will prepare and forward to the Forester a plan for his district, indicating the Forests upon which five-year permits may be issued for the full number of stock included in the established grazing preferences and the Forests on which the issuance of five-year permits either should be deferred or restricted to a number of stock less than the established preferences. Upon the approval of such plan by the Forester the necessary instructions to the supervisors will be issued by the district forester.

#### **" Preparation of Allowance Letter.**

Upon receipt in the district office of the supervisor's annual plan the grazing section will be referred to the office of grazing. The assistant district forester in charge will review the report of grazing conditions and pass upon the recommendations. A letter for the signature of the district forester to the supervisor will then be prepared giving detailed instructions for the handling of the grazing during the coming season and covering the following points:

1. The number of stock of each class authorized.
2. The grazing periods.
3. The grazing fees.
4. Allotment of stock.
5. Special points of policy or administration.
6. Instructions for advertising, by circulars, posters, and newspapers.

If the total number of live stock to be grazed on the National Forest under consideration during the coming grazing season is not more than 10 per cent above or below the base number last specifically authorized by the Secretary of Agriculture, or their equivalent number reduced to and based upon cattle units, the letter of instructions will be forwarded to the supervisor at once.

One carbon of this letter, signed by the district forester, together with the original copy of the grazing section of the Supervisor's Annual Working Plan, will be forwarded to the Forester for his information and review.

If the total number of the live stock to be grazed on the National Forest involved during the coming grazing season exceeds the above limitation, the letter of instructions to the supervisor will be held until special authority for the increase or decrease in numbers has been received from the Secretary of Agriculture. Such special authority will be secured by forwarding to the Forester's office at Washington the original copy of the grazing section of the annual working plan, a copy of the letter of instructions prepared for the supervisor, and a letter to the Forester giving the reasons for the change in numbers and the district forester's recommendations concerning them.

#### **" Approval Washington Office.**

After the receipt in Washington of the request for special authority, and after the authorization for grazing has been signed by the Secretary of Agriculture, the district forester will be notified by wire or letter, or both, of the action taken on his request. Upon receipt of such notification the district forester will forward his letter of instructions to the supervisor, after making the proper entries on the authorization record card (Form 404).

If the change in numbers is not approved by the Forester and Secretary, or if modifications of the district forester's letter are required, he will be notified by wire or letter, and will change his instructions to the supervisor accordingly.

#### **Grazing Chapter, Supervisor's Annual Forest Plan.**

As a matter of convenience to the stockmen it is desirable to make public as soon as possible the number of stock that will be allowed to graze on the Forest the following season, the periods, and the fees. Therefore, immediately after the close of the grazing season, and not later than December 1, supervisors will submit the "Grazing" chapter of the annual forest plan in duplicate, forwarding it to the district forester, without waiting for the completion of the rest of the plan. This report should be prepared in accordance with instructions on Forms 771-771a.



**<sup>a</sup> Grazing Map.**

The supervisor will prepare a map of the Forest in duplicate, suitable for insertion in the forest atlas, to accompany the grazing chapter. It will show grazing districts, areas open to each class of stock, lambing grounds, driveways, overgrazed areas, closed areas, and areas which can not be used for grazing. One copy will be retained in the district office and a duplicate forwarded to the Forester with the grazing plan. Without special requisition, blank maps mounted for insertion in the atlas binders will be forwarded direct to each supervisor by the office of geography at Washington not later than August 1 of each year.

<sup>b</sup> On all Forests where no changes are contemplated in the data to be shown on the grazing map previously submitted it will not be necessary to submit a new grazing map with the annual report. In cases of this kind the supervisor should state in his grazing plan the fact that no changes are necessary in the grazing map previously submitted, and therefore none is being sent. The district and Washington offices will thereupon make the necessary notations upon the maps filed in their offices.

**Grazing Estimate to be Based upon Normal Conditions.**

Since the authorization of the Secretary of Agriculture is based upon the supervisor's estimate of the grazing capacity of his Forest, the estimate should be carefully prepared. The first step should be to divide the entire range among the different classes of stock. Having ascertained the area of range available for each class of stock, the number it will support will be determined. This estimate should, so far as possible, be based upon the normal condition of the range, and should not be varied from year to year to meet departures from normal, except as a measure of forest protection. Increased capacity due to natural conditions known to be abnormal should not be accepted as grounds for increases in the numbers of stock. The allotment should in every case be low enough to prevent damage to the Forest.

**Land Included in Estimate.**

The carrying capacity of all Government lands within the National Forests not otherwise reserved or closed to grazing for protective purposes, unsurveyed school sections, and unsurveyed lands within both the primary and the indemnity limits of railroad grants should be considered in the estimate.

<sup>a</sup> Instructions added; effective Apr. 1, 1917. (6-G<sup>1</sup>) <sup>b</sup> Paragraph added; effective Apr. 1, 1921. April 1, 1921.

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#### **Lands Not Considered in Estimate.**

In preparing estimates the supervisor will not consider the carrying capacity of the following classes of land:

Patented lands of any character.

Subsisting mining locations.

Forest land closed to grazing.

Entries under United States land laws.

Indian allotments.

State lands granted or selected under acts of Congress.

Surveyed and selected railroad lands within either the primary or indemnity limits or other selections provided for by law.

Subsisting squatter's claims.

#### **Points to Consider in Fixing Grazing Periods.**

Grazing periods will be established for each National Forest to meet the general needs of the people and to secure an economical use of the forage. An endeavor is made to make them meet local conditions and to allow grazing when the particular range in question can be used to the best advantage without injury to the Forest. It is inadvisable to hold stock on winter range or in feed lots after the range within a Forest is ready for use, but it is decidedly unwise to allow stock on Forest ranges before the feed has started, or while the range is so wet that the stock will cause injury to both forage and tree growth. The condition of the range rather than the desires of the applicants must determine the period. Supervisors should endeavor to recommend seasons which secure the best use of the range without damage. (See p. 45-G, "Date yearlong permits begin.")

#### **Five-Year Periods, Definition Of.**

Five-year periods will be considered to begin with the opening of the grazing period for which the permit is granted and to end with the close of such period the fifth year thereafter.

#### **Special Seasons.**

When grazing periods have been fixed by the Forester or the district forester, stockmen will be required to secure permit and pay the fee for the full period. Special seasons can be allowed only in cases where the circumstances render such action absolutely necessary. For example, if a certain range will support 10,000 head of sheep from June 1 to October 31, the issuance of a permit to graze 10,000 sheep from July 1 to September 30 means a loss of forage values, a loss of revenue to the Government, and a loss of opportunity by others than the permittees to put stock on the range.

#### **Monthly Permits.**

Monthly permits will be authorized only for winter grazing where special conditions warrant it. Despite the fact that they may be more convenient for the permittees, there are several factors which render the general issuance of permits on a monthly basis impracticable from an administrative viewpoint. The first is that the practice will result in a disregard of the periods of use to which the ranges are naturally adapted, with consequent incomplete utilization, alternate understocking and overstocking, loss of range capacity, loss of control, and loss of revenue. Another objectionable feature of the monthly permit system is that it would require each ranger to keep account of the dates upon which each permit began and ended, and each supervisor to maintain a similar record. Such permits would necessarily be subject to extension and additional payments would be required. For these reasons special seasons will not be allowed unless demanded by exceptional conditions.

#### **Winter Ranges.**

Winter ranges should not be allotted for use during the summer if such action will prevent their proper use during the winter by settlers residing in or near the Forest who are dependent upon such ranges for wintering their stock. A range which can not be used during the summer season, but forms a part of the winter range, can not be classified as an unused range in the sense that term is used when supervisors are authorized to allow permits for increased numbers of stock contingent upon the development of unused ranges by the creation of new sources of water supply, etc.

## **DISTRICTS AND DIVISIONS.**

**REG. G-2.** The kind and number of stock to be grazed in each district open to grazing on the Forests will be determined by the district forester. Under his

general instructions, National Forests in which grazing is allowed will be divided into districts by the supervisor, who will provide for the distribution of stock among the districts, and make such range divisions among applicants for grazing permits as appear most equitable and for the best interests of the National Forest and its users. When required for the protection of camping places, lakes and streams, roads and trails, etc., or of areas which are to be reforested, the supervisor may exclude stock from specified areas for such period of time as is necessary. Stock will be excluded from areas where they will destroy young growth or will prevent reproduction.

## INSTRUCTIONS AND PROCEDURE.

### Best Use of Each Class of Range.

The ranges within the National Forests should be used by the kind of stock for which they are best adapted, except when this would not be consistent with the welfare of the local residents or the proper protection of the Forests. When an application is received for a kind of stock not previously allowed to graze upon a range, the supervisor should determine, first, whether the change can be made without injury to the Forest or the flow of streams; second, to which class of stock the range is best adapted; and, third, whether the change will be detrimental to the interests of the people residing in the vicinity of the range. The change will be made by the district forester only when all three conditions are favorable and the area has not been closed to grazing by the Forester.

### Protection for Short Season Permittees.

If the stock which graze in common upon a single grazing unit are covered by permits for different periods, so that a portion enter the range considerably in advance of the balance, a reasonable proportion of the unit should be designated as the early range, and the stock which enter first should be confined to the part so designated until the beginning of the last or shorter summer period, after which the entire unit may be used in common by all stock allotted to it.

### Grazing Districts.

For convenience of administration Forests will be divided into grazing districts, each district to be given a separate number. A typical Forest, with an area of 1,000,000 acres, should usually be divided into from four to six districts, which may be natural grazing units, natural administrative units, or parts of the Forest used by different classes of stock growers or different classes of stock. Wherever possible they will coincide with the lines of the administrative districts.

### Grazing Divisions.

The grazing districts should also be divided into grazing divisions, which should be natural grazing units defined by topographic boundaries, with their limits determined largely by the class of stock which is to use them. Cattle and horses ordinarily graze both ways from a stream, but seldom cross the summits of the surrounding ridges. Sheep and goats ordinarily graze the crest and slopes of a ridge or mountain, but will cross none but shallow streams except on bridges. This should be kept in mind in fixing range boundary lines. Divisions, being smaller than a district, should usually be for the use of one class of stock and should be designated by well-known local names, such as "Mormon Lake Division." These range divisions may, where advisable, be divided into individual ranges.

The boundaries of grazing districts and divisions should be made as nearly permanent as possible, in order to avoid confusion in the minds of permittees and herders, and also to make the annual statistics more comparable.

### Grazing Subdivisions.

Range divisions set aside for the grazing of cattle may be subdivided into smaller units for the grazing of dairy cattle, stock cattle, and steers. The separation of these three classes of cattle is beneficial to the stock and to the range; consequently it should be encouraged in every instance where the stock can be confined to the allotted ranges without excessive cost or deterioration. When separate ranges have been established for dairy, breeding, or beef stock, range allotments will be made in accordance with the character of the stock covered by permit, and each permittee will be required to confine his stock to his allotted range.

### Individual Range Allotments.

Cattle and horses will be allotted individual ranges only when topographic conditions and methods of handling make it practicable, but sheep and goats



will be allotted individual ranges in every case, unless unusual circumstances prevent. The confinement of cattle or horses to individual ranges in a flat country would, of course, necessitate constant riding and increase the cost of handling and is therefore inadvisable. When cattle and horses are assigned individual ranges, the permittees will be required to make a reasonable effort to keep their stock within the limits of their range divisions.

The manner in which sheep and goats are handled makes individual allotments both practicable and desirable. The mixing of herds and the consequent loss of lambs are avoided, and each permittee is encouraged to improve range conditions by better methods of handling his stock. The lines of individual sheep allotments should be as clearly defined as possible, and every effort should be made to have them thoroughly understood by the herders and camp tenders immediately after the sheep enter the range. A full description should be written in or on the back of the permit, and the boundaries should be marked where practicable with posters (Form 222). When range conditions are fairly well settled the practice of furnishing each permittee with a copy of a map showing his own and the surrounding ranges is an excellent one. In making individual range allotments the number of cattle and horses which will stray upon them must be considered and proper allowance made for this excess.

#### **Lambing Grounds.**

Early ranges suitable for the lambing of sheep and necessarily used for that purpose should be protected from overgrazing and injury during the remainder of the grazing season. Moderate grazing may be allowed prior to the close of the season, but continuous use throughout the entire summer period should be prohibited.

#### **Driveways Established by District Forester.**

Whenever it appears necessary for stock to cross regularly any portion of a National Forest, the supervisor will report the fact, with a description of the regular route traveled, the width of driveway necessary to allow the proper grazing of stock en route, the number and class of stock which will probably cross, and the number of days required for crossing.

Upon receipt of such a report, if the circumstances warrant, the district forester will establish the driveway and define the privileges to be granted.

Permits will be required for stock crossing the Forest on a regular driveway. (See "Crossing permits," p. 20.)

The driveway should be as short and as easy of passage and access as the character of the country will permit. It should also be established with care for the interests of permittees using adjoining ranges, and it is most important that it should be clearly marked with posters along the exterior limits, as suits and prosecutions for straying therefrom can not easily be maintained in the absence of such notices.

#### **EXCLUSION OF STOCK.**

##### **General Procedure.**

When it becomes necessary to prohibit all grazing on an area of such an extent as to necessitate a reduction of the number of stock allowed on the Forest for the purpose of forest protection, to protect the water supply of a community, or for other reasons, the supervisor should request an investigation from the district office. If it is found necessary, the supervisor, with the district forester's approval, will take the action. Where action of this sort can not be effected by a shift in ranges, but will result in a cut in the number allowed a permittee or in the entire exclusion of his stock, he should be given a reasonable length of time in which to adjust his business to the new conditions. If total exclusion is contemplated, one year's notice is not excessive.

Copies of the letters advising permittees of reductions in their permits for such purposes will be sent to the district office with necessary explanations in order that the district forester may be in a position to answer complaints. Where the revocation of a permit is entailed, the district forester will take the action. Except in emergency cases, closures should be made to take effect at the beginning of the grazing season and outstanding permits allowed to stand through the period granted.

#### **Forest Protection.**

It is within the authority of the supervisor with the approval of the district forester to close an area to all grazing, to reduce the number of stock allowed upon it, or to prohibit its use by certain classes of stock when the silvicultural needs of the Forest demand it. For instance, sheep may be excluded from a timber-sale area for a certain number of years after cutting; or, in a year of scarcity of mast, hogs (otherwise permitted) may be excluded from the oak type. Where planting operations are being carried on, it will usually be necessary to exclude all classes of stock.

If silvical investigations show that grazing is responsible for the scantiness or lack of reproduction over a considerable area, a portion of it may be withdrawn from range use until young growth has become established, several years later another portion, and so on until the whole area has been treated. It is desirable, of course, to secure the welfare of the Forest with the least possible friction or interference with the stock interests.

#### **Watershed Protection.**

The watersheds of streams supplying water for irrigation, municipal, or domestic purposes may be closed to the grazing of any or all kinds of domestic stock when necessary to prevent erosion and floods or diminution in water supply. The supervisor should state definitely the character and extent of the benefit to be accomplished and the number of permittees and number of stock to be affected.

#### **Public Camping Grounds.**

The needs of the traveling public should receive careful consideration, and in the division of the range adequate provision should be made for the pasturage of draft, saddle, and pack animals used by persons traveling through the National Forests on business or for recreation. Camping grounds required for the accommodation of the public may be closed to the grazing of permitted stock if such action is necessary. The supervisor, in submitting recommendations, should state the approximate number of travelers that will use the camp grounds and the number of permittees and permitted stock to be affected by the closure of the area.

#### **Game Refuges.**

Upon approval by the Forester, limited areas which are the natural breeding or feeding grounds of game animals or birds may be closed to the grazing of domestic live stock when necessary to protect the game from molestation or extinction. The boundaries of such areas should be plainly marked, and permittees using adjoining ranges should be warned against trespassing on the closed area.

#### **Poisonous Plant Warning.**

When any area within a National Forest contains a growth of poisonous plants in such quantity as to make dangerous its use for grazing and the danger period has been determined, the exterior limits of the area will be posted with warning notices (Form 766) cautioning stockmen against allowing their stock to graze within the area during the time when the poisonous plant is dangerous.

### **ADVISORY BOARDS.**

**REG. G-3.** Whenever any live-stock association whose membership includes a majority of the permittees owning any class of live stock using a National Forest or portion thereof shall select a committee, an agreement on the part of which shall be binding upon the association, such committee, upon application to the district forester, may be recognized as an advisory board for the association, and shall then be entitled to receive notice of proposed action and have an opportunity to be heard by the local forest officer in reference to increase or decrease in the number of stock to be allowed for any year, the division of the range between the different classes of stock or their owners, or the adoption of special rules to meet local conditions.



<sup>a</sup> When an association represents only a minority of the permittees owning any class of live stock, but its members own 75 per cent of that class of live stock using the range, upon petition of a sufficient number of the other owners to constitute a majority of all the grazing permittees affected its advisory board may be recognized by the district forester.

<sup>a</sup> Upon request from and with the approval of an officially recognized advisory board the district forester may establish special rules to regulate the use and occupancy of the range and to prevent damage to the Forest lands, such rules to be binding upon and observed by all permittees grazing stock within the range involved. Such conditions as may be necessary may be imposed upon the handling of permitted stock, the employment of herders to confine the stock to the allotted ranges, the distribution of salt, the enforcement of State live-stock laws, and the construction of permanent improvements to protect the Forest or facilitate the handling of permitted stock.

Whenever a State live-stock association appoints an advisory board, it may be recognized by the district forester and consulted with in regard to matters which affect the general administration of the National Forests within the entire State.

<sup>a</sup> Whenever a national live-stock association, representing the owners of any class of stock, appoints an advisory board or committee representing the users of the National Forests in all of the different States, it will be recognized by the Secretary of Agriculture and the Forester and consulted with annually regarding matters which concern the welfare of the stockmen using the National Forest ranges.

## INSTRUCTIONS AND PROCEDURE.

### COOPERATION.

#### Reasons for Cooperation.

The primary purpose of all the regulations is to make the National Forests as useful as possible to the people, consistent with their protection and perpetuation. It is clearly impossible to meet the wishes of each individual user, but it may be entirely possible to meet the wishes of the majority if made known through an organization. It is to secure from the people collectively definite statements of their needs and wishes that the organization of stock associations is encouraged.

#### Consideration of Recommendations of Advisory Board.

Each supervisor, in the preparation of his annual working plan, should give full and careful consideration to the suggestions and recommendations of advisory boards which represent the users of his Forest, although it is the responsibility of the forest officer to determine in each instance whether the wants of the people are compatible with the good of the Forest. When they are not, the latter will govern.

The Forest Service must control the grazing on the Forests and retain the administrative authority, but it must be remembered that an advisory board is in a position to express accurately the wants of the stockmen composing the association and to give extremely valuable advice regarding the handling of the interests represented.

#### Matters Must be of General Interest.

Matters submitted to advisory boards should be of general rather than individual or personal interest. It is not within the province of an advisory board to determine whether a new applicant shall be admitted or a renewal of permit granted a purchaser. An individual case, however, may contain a principle in which a large number of permittees are interested, in which event it may very properly be taken up.

#### <sup>b</sup> Meetings of Advisory Boards.

Whenever the supervisor of a Forest desires to bring before an advisory board recognized for his Forest any matters upon which he wishes an expression of opinion from them, he should address a letter to the secretary of the board requesting him to call a meeting of the board on some designated date. This letter should state clearly the matters to be discussed. The date named should be far enough in advance to allow the several members of the board to receive due notice of the meeting.

#### Absence of Quorum.

If, after setting any date of meeting with an advisory board, giving ample time for all members to attend either in person or by proxy, a majority of the board is not present, the supervisor or district forester will be relieved from all obligation to delay action or confer with the board.

<sup>a</sup> Paragraph amended; effective July 1, 1916. (11-G) <sup>b</sup> Instructions added; effective Jan. 1, 1917.

#### Disapproval of Recommendations.

When it is necessary to disapprove the recommendations of an advisory board the supervisor will furnish them a clear statement of his reasons for such disapproval.

#### Appeals by Advisory Boards.

The advisory board may, if the supervisor's action and reasons are unsatisfactory, appeal to the district forester and from his decision to the Forester, and from the Forester's decision to the Secretary of Agriculture.

#### Complaints of Members.

Complaint against the supervisor's action by members of the association should be taken up through the advisory board unless the permittee desires to take up the matter directly as an individual.

#### Special Rules.

<sup>a</sup> Special rules designed to bring about economies of operation, larger natural increases, improved grades of live stock, etc., should not be drafted or enforced except upon the specific request of an officially recognized advisory board, and where such rules will tend to prevent damage to the Forest lands or secure a more complete or more economic use of the Forest resources.

<sup>b</sup> When a special rule is recommended by an advisory board for only a part of the territory represented by it a showing must be made that the rule is approved by a majority of the permittees, excluding those holding temporary permits, using the area to which it will apply.

No rule should be adopted that is not clearly within the limitations of the State or Federal statutes concerning live stock.

<sup>c</sup> Special rules once established will remain in force until revoked by the district forester. They will be binding upon all permittees whether members of the association or not, and will be made a stipulation in all permits affected. (See Instructions under Reg. G-17, p. 45.)

The previous paragraph shall not be construed to operate to require or force permittees to join any such organization or association or pay membership dues in them unless they are willing to do so.

<sup>d</sup> In States in which the law does not provide for either the number or grade of bulls to be placed upon the range, special rules governing the number or grade of bulls may be established.

#### <sup>e</sup> Applications for Special Rules.

Applications for the establishment of special rules signed by at least a majority of the advisory board will be submitted to the supervisor in writing. After carefully considering the application the supervisor will forward it to the district forester with his recommendations and reasons therefor.

If the district forester approves the application he will notify the secretary of the association by letter, setting forth the conditions upon which the Forest Service will aid in enforcing compliance with the stipulations of the special rule, or the collection of assessments. A copy of this letter will be forwarded to the supervisor.

#### <sup>e</sup> Applicants Notified of Rule.

When a special rule has been established the supervisor will notify each approved applicant each year of the special rule, at the time letters of approval and Form 861-G are sent out.

#### <sup>e</sup> Assessments.

Such assessments as may be necessary to provide funds with which to make effective the purposes contemplated by special rules for the handling of stock upon the range, recommended by advisory boards and approved by the district forester may be levied by the advisory board, and their payment will be enforced by the Forest Service on all permittees affected by such rules whether members of the association or not.

<sup>f</sup> Owing to the nature of their permits holders of temporary permits will be required to pay for the current grazing season only.

<sup>a</sup> Paragraph modified; effective July 1, 1918.

<sup>b</sup> Paragraph modified; effective Jan. 1, 1920.

<sup>c</sup> Paragraph modified; effective Jan. 1, 1917.

<sup>d</sup> Paragraph added; effective Jan. 1, 1917.

<sup>e</sup> Instructions added; effective Jan. 1, 1917.

<sup>f</sup> Sentence added; effective Jan. 1, 1920.



It will be left discretionary with the advisory board to determine whether assessments will be collected in advance of the issuance of the permit for the current grazing season or later.

Each year before the final date set for the receipt of grazing applications the advisory board will notify the supervisor whether or not an assessment is to be made, and if so will submit an itemized estimate of the amount to be collected, and whether or not the assessment is to be collected in advance of the issuance of permits.

Upon receipt of an estimate of a proposed assessment the supervisor will review it carefully, and if it is authorized by the special rules approved by the district forester and is not excessive he will determine the pro rata charge by dividing the amount of the approved estimate by the number of stock to be permitted upon the range affected by such rules.

**<sup>a</sup> Notice of Assessments.**

<sup>b</sup> If the assessment is to be collected in advance the supervisor will accompany Form 861-G with a letter to the applicant setting forth the pro rata charge and the total amount to be paid to the proper designated officer of the association and that permit will not be issued or validated until receipt of notice of payment has been received.

If the assessment is not to be collected in advance, the applicant will be notified that payment must be made when called for by the secretary of the association, and that failure on his part to do so will result in the disapproval of his application for the following year.

The officers of the association receiving payment of the assessment will issue a receipt therefor and will advise the supervisor of the payment in such manner as may be agreed upon. (See also p. 45, "Special Rules must be Incorporated.")

**<sup>c</sup> Bonds.**

Where an assessment is to be collected under special rules or for the construction of improvements, in the discretion of the supervisor and the advisory board, the official or officials of the association designated to receive or disburse the money may be required to give to the association a good and sufficient bond, which must be approved by the supervisor and assistant to the solicitor. A joint bond may be given, if desired, where more than one officer is designated to handle funds.

**<sup>a</sup> Annual Statement by Secretary.**

Not later than January 15 each year the secretary of an association having authority to levy an assessment under a special rule or special use permit will furnish the supervisor with a detailed statement of the amount of money received and disbursed under each special rule or special use permit. The supervisor will check this statement to see that all moneys collected are being used for the purpose contemplated.

**<sup>a</sup> Delinquents.**

Where the assessment is to be paid in advance of the issuance of permit, the supervisor will notify all persons who have not paid the assessment 30 days prior to the beginning of the grazing season that it is overdue and unless paid within a specified time permit for that season may be denied them.

At the expiration of the period specified if the assessment has not been paid the application may be canceled and the range allotted to others, in which case at the discretion of the district forester the grazing fee may be refunded. If the supervisor does not allot the range to others the grazing will be retained, but the applicant may pay his assessment and secure his permit at any time during the grazing period. (See Reg. G-11, page 26-G, for Refunds.)

If an applicant fails to pay the assessment before the final date set for receiving applications the following year, his application for that season will be disapproved.

**Correspondence to Forester.**

Copies of all correspondence relative to these special rules, together with copies of the rules as they are finally approved by the district forester, shall be immediately forwarded to the Forester for his information.

**Use of Improved Breeding Stock.**

When a request has been received from the advisory board of an association representing a majority of the grazing users of any Forest or district or division thereof, for the placing of bulls or other breeding animals of a specified grade upon the range, upon a showing that such special rule will secure a more

<sup>a</sup> Instructions added; effective Jan. 1, 1917. (13-G) <sup>c</sup> Instructions modified; effective Apr. 1, 1921.

<sup>b</sup> Paragraph modified; effective Feb. 15, 1919.  
April 1, 1921.

economic use of the range and is not in conflict with the State live-stock laws, this will be made a requirement thereafter which must be complied with by all permittees using the designated range under penalty of revocation of their permit.

#### ORGANIZATION.

##### Character of Association.

An association may contain a majority or a minority of the permittees, and it may be officially recognized within an entire Forest or a district division thereof.

##### Small Organizations Practicable.

In the administration of the National Forests good results have been secured through cooperation with associations representing the majority of the users of small grazing divisions, who have a community of interests, are more readily assembled for the consideration of administrative problems and more closely in touch with the conditions existing within their ranges.

##### Majority Association.

A majority association is one whose membership includes a majority of the permittees grazing a certain kind of stock under permits of record, either paid or on account of private land, upon the range unit within which recognition is desired. The permittees need not constitute a majority of the members of the association nor do they have to hold permits for a majority of the stock grazed upon the unit in order to secure official recognition.

##### <sup>a</sup> What Constitutes a Majority.

For their first year new permittees will be required to comply with all special rules previously approved by the district forester, although by the addition of a number of new permittees the association may not represent for that season a majority of the permittees. The phrase "majority of the permittees" will therefore mean a majority of the permittees for the preceding grazing season.

##### Minority Association.

A minority association is one whose membership does not include a majority of the permittees grazing the particular kind of stock within the range unit for which recognition is desired, but does include permittees owning and grazing 75 per cent or more of the permitted stock. A minority association will be officially recognized only when its request for recognition is approved and indorsed by a majority of the permittees grazing the particular kind of stock represented by the association within the entire area in which recognition is to be granted.

##### Indorsement by Petition.

The indorsement of a minority association by nonmembers must be by a petition stating that the subscribers approve and recommend the recognition of the association and agree that in all matters relating to the grazing administration of the Forest or district the recommendations of the advisory board shall be binding upon all persons signing the petition.

##### Area Covered.

Where there is more than one advisory board on a Forest, care should be taken to see that the members understand clearly the boundaries of the area over which their jurisdiction extends, whether it be a Forest, a grazing district, or a few divisions. In handling important range questions which it is necessary to refer to an advisory board, complications may be avoided by having this thoroughly understood beforehand.

##### Requirements for Recognition.

Live-stock associations desiring to take advantage of this regulation must file an application with the supervisor, giving the names of all members, the name of the Forest in which its members are interested, and the names of the committeemen who are to act for the association. The advisory board must consist of not more than five members, and a majority of the board must constitute a quorum.

The application must be accompanied by a copy of the constitution and by-laws, which must contain a provision that the action of the board will be binding upon the association. These by-laws must provide that all persons who are permitted to graze the kind of stock represented by the association will be eligible to membership. The application of a minority association must also be accompanied by a petition signed by sufficient permittees to constitute a majority.

<sup>a</sup> Instructions added; effective July 1, 1916. (14-G)  
April 1, 1921.



#### **Procedure.**

After having examined the application, the supervisor will forward it to the district forester accompanied by a copy of the constitution and by-laws. He will state whether or not the membership comprises a majority of the permittees or owners of the particular class or classes of stock within the Forest or grazing district for which recognition is requested, and make a recommendation for or against its approval. Upon approval by the district forester, the association will be notified and entitled to the recognition under this regulation. The letter of notification will be sent the secretary of the association and copies sent the Forester and supervisor, on receipt of which the supervisor will arrange for cooperation with the association. Applications for recognition of advisory boards not submitted through the supervisor will be referred to him for recommendation.

#### **Card Record.**

A card record of recognized stock associations will be kept. The title of the association, names and addresses of its officers and the members of the advisory board, and the grazing district of Forest for which recognition is granted will be entered on a card which will be filed by Forests. A copy of each card will be sent to the Forester, who will be kept informed of changes.

#### **Changes in Personnel, Constitution, or By-Laws.**

Supervisors should inform the district forester of any changes in membership of an association or in the personnel of the advisory board, or amendments in the constitution and by-laws adopted by recognized stock associations. <sup>a</sup> In cases where the membership has ceased to include a majority of the permittees using the area within which the association is recognized or where the constitution and by-laws have been amended in a manner not acceptable to the Forest Service, or in minority associations where the ownership of stock has dropped below the required 75 per cent, the supervisor should submit appropriate recommendations for further action, upon receipt of which the district forester will determine whether his official recognition of the association should be continued, modified, or withdrawn.

<sup>b</sup> In order to carry out the above provision, after each annual election of officers supervisors should secure from the secretary of the association the names and addresses of the officers and advisory board, a revised list of the members, and copies of any amendments to the constitution and by-laws.

#### **Disapproval of Applications for Recognition.**

If the application is disapproved by the district forester, the secretary of the association will be informed and specific reasons given. On receipt of a copy of such a letter, the supervisor may take the matter up with the local representatives and show them what is necessary to correct their application or enlarge their organization to secure recognition. Disapproval for noncompliance with this regulation need not preclude reapplication and subsequent approval. An appeal from the district forester's refusal to recognize a stock association may be made to the Forester.

#### **State Associations.**

State associations may appoint advisory boards for any Forest in the State in which their membership includes a majority of the users. A single advisory board representing a State association may be consulted by the district forester on questions which concern the entire State.

#### **National Associations.**

National live-stock associations representing the owners of any kind of stock using the National Forests may appoint an advisory board, which will be recognized by the Secretary of Agriculture and consulted with annually at such time and place as may be agreed upon in reference to matters affecting the use of all of the National Forests.

#### **Qualifications for Membership of an Advisory Board.**

Members of local, State, or national advisory boards must be grazing permittees on some Forest. In the case of local boards, they need not be users of the particular Forest or district in which the association is formed, if in the judgment of the majority members of the association their prominence in the stock-raising industry makes it desirable to secure for the board and association the benefit of their advice and counsel.

<sup>a</sup> Sentence modified; effective July 1, 1916.

<sup>b</sup> Paragraph added; effective Jan. 1, 1917.

**Pro Rata Charge Paid by New Owners.**

When new class A owners are provided for by the reduction of permits of old users on areas which are fully occupied, the amount received for their pro rata charge may be used by the association either for maintenance of the improvements or a proportionate refund to the permittees who have been reduced.

**Pro Rata Charge Must Be Paid on Increases in Permit Number.**

Permittees who are allowed to increase the number of stock grazed under permit will be required to pay the prevailing pro rata charge upon all additional stock placed upon the range, unless the stock are purchased from a permittee who has paid the pro rata charge and has signed an agreement (Form 763) waiving all claims to preference in the use of the range, in which event no additional payment need be made.

**a Assessments for Maintenance.**

If the amount of money received by the association on account of the subsequent pro rata charge is not sufficient to maintain the improvement, upon a showing by the association that all money received has been used for the maintenance of the improvement or for a pro rata refund to all permittees grazing stock within the district or division affected, the supervisor may authorize the annual collection of a maintenance assessment of such an amount in excess of the pro rata payments received as may be necessary to maintain the improvement in serviceable condition.

The improvement work should be done from year to year, so that each permittee will pay his proportionate share of the cost of such maintenance.

**a Cooperative Improvements.**

The Forest Service may aid in the construction of range improvements when such improvements will result in a direct benefit to the Service. When the improvement will not benefit the Service the total cost of construction will be borne by the stockmen benefited.

The proportionate cost of improvements to be constructed cooperatively by the Service and stockmen will be based on the proportionate benefit to be derived by each.

To secure a uniform policy in the matter of the amount to be contributed by the Service in the construction of cooperative range improvements, the supervisor will accompany the application to the district forester for permit to construct the improvement, with a definite recommendation of the proportionate cost that should be borne by each.

The district forester will review the recommendations of the supervisor, and if in his judgment the circumstances warrant the cooperation of the Government in the construction of the improvement he may authorize cooperation in such amount as is consistent with the established policy for his district.

**b Individual Improvements, Payments for.**

The third paragraph of Regulation G-4 is intended to secure for the original individual permittee or permittees who place improvements on the range which will be of value to all permittees, a reasonable reimbursement by any subsequent user of the range benefited by the improvement, of the proper pro rata share of the cost of the improvement. The general terms of Regulation G-4 and the instructions under it as applied to associations will govern in all such individual cases.

## **STOCK EXEMPT FROM PERMIT.**

**c REG. G-5.** Unless otherwise authorized by the Secretary of Agriculture, all persons must secure permits before grazing any stock in a National Forest, except for the few head in actual use by prospectors, campers, and travelers, or saddle, pack, and work animals actually used in connection with permitted operations on the National Forests. Milch, work, or other animals used for domestic purposes not exceeding a total of 10 head owned and in use by bona fide settlers residing in or near a National Forest require no permit.

<sup>a</sup> Instructions added; effective Jan. 1, 1917. (16-G<sup>2</sup>) <sup>c</sup> Regulation amended; effective Feb. 1, 1919.

<sup>b</sup> Instructions added; effective Apr. 15, 1919.



## INSTRUCTIONS AND PROCEDURE.

### **a Exempt Animals.**

Except as provided in the regulations, no stock may be grazed without a permit, except 10 head of milk, work, or other animals which are either in actual use or are to be used for domestic purposes. Within the limits established this would include hogs, goats, or sheep kept for providing the settler's family with food. A settler owning only 10 head or less of stock which are neither milk, work, nor animals kept for domestic purposes will be required to apply for permit and pay the grazing fees, while a settler owning any number of stock will be allowed to graze 10 head of such exempt stock without permit and free of charge.

### **Discretion of Supervisors.**

The privilege must not be abused, but, on the other hand, some discretion may be used in the interpretation of the term "milk, work, or other animals used for domestic purposes." The settler's family may be using all the milk produced or he may be operating a dairy. Saddle animals may be used for handling stock grazed under permit and at the same time be stock horses which are bred or sold by the permittee as a part of his stock business. Work horses may be used in timber sales or improvement work for a part of the season and for other purposes during the remainder of the time. Milk cows may dry up and run on the range during a part of the season. The determination of whether an exemption may or may not be allowed rests with the supervisor, the only restriction being that each class of animals must be used for the purposes mentioned at least during a part of each year, or else must be covered by a grazing permit. A saddle horse not in use and turned out to graze during any entire established season should be covered by permit.

In cases where transportation companies are grazing large numbers of horses which are used in transporting travelers within National Forests, the stock must be covered by permit.

### **Special Concessions to Indians.**

Special concessions may be made by the Secretary of Agriculture to Indians who are enrolled upon the records of the Office of Indian Affairs and who are dependent upon the National Forest ranges for the pasturage of their stock. Such concessions will not apply to intermarried white persons except those who have been formally adopted by the tribe and enrolled upon the records of the Indian Office. In all cases where it appears that concessions should be made to Indians a report of the facts will be made by the supervisor to the district forester in duplicate, who will forward a copy of the report to the Forester with suitable recommendations.

### **Record of Stock Grazed Without Permit.**

Rangers will keep a record and include in their report for the quarter ending September 30 each year a statement of the approximate number of owners and of stock grazed without permit in each district, in order that the supervisor may consider it in his annual forest plan.

## ON-AND-OFF PERMITS.

REG. G-6. Persons owning stock which regularly graze on ranges only partially included within a National Forest, or upon range which includes private land of unknown ownership, may be granted permits for such portions of their stock as the circumstances appear to justify, but may be required so to herd or handle their stock as to prevent trespassing by that portion for which a permit is not granted.

## INSTRUCTIONS AND PROCEDURE.

### **Object of Regulation.**

This regulation is designed solely to provide for cases where only a part of a natural range unit is National Forest land, and where the economical use of the entire unit can be secured only by the utilization of the Forest land in connection with the other land. The regulation contemplates a movement of the stock, governed by natural conditions, between the Forest range and the adjoining outside range, or between Forest land and intermingled private land. Only under such conditions should an on-and-off permit be granted.

### **Outside Range Must Bear Relation to Forest.**

The on-and-off privilege should not apply to lands not dependent upon or related in their use to the Forest lands. Permits should be issued only on the basis of the natural unit partly included within or dependent upon the Forest. For example, if a person grazes 1,000 cattle on a range of which one-fifth is a natural unit, con-

<sup>a</sup> Instructions modified; effective Feb. 15, 1919. (17-G)

taining one-half Forest land, his permit for 100 head of cattle should provide for the grazing of 200 cattle on range 50 per cent Forest land, and not the grazing of 1,000 cattle on range 10 per cent Forest land.

#### **Continuous Occupancy During Short Periods.**

Where the use of the Forest land is confined to one continuous period during only a part of an established grazing season, the issuance of an on-and-off permit, covering a part of the stock proportionate with the part of the established grazing season during which the range is used, is equivalent to the establishment of a short grazing period by the supervisor, often at a rate below the minimum prescribed by the regulations, and therefore will not be allowed. Where occupancy of Forest lands is continuous and not intermittent, the district forester, if he considers such action advisable, will establish short grazing periods; payment to be required for the full number of stock grazed upon Forest land.

#### **Conditions Warranting Issuance of On-and-Off Sheep Permits.**

On-and-off permits for sheep or goats may be issued for portions of the range along the Forest boundary not sufficient in area to support a band of sheep or goats during an entire established grazing period, which can only be utilized in connection with the adjoining outside range. Where portions of the outside range can only be used to advantage in connection with watering places located within the National Forests, on-and-off sheep or goat permits may be issued.

#### **On-and-Off Private Lands.**

Sometimes the ownership of private land within a National Forest is unknown, or the owner does not object to its use without compensation or lease. In such cases permits may be issued for the adjoining range under the provisions of this regulation and the grazing fees paid only on the stock which will be grazed upon National Forest land, but the permittee must agree to remove all stock in excess of the number covered by the grazing permit if deprived of the use of the private lands by the owners or lessees thereof.

#### **When Applicant Controls Over Half of Allotment.**

Where more than one-half of the land comprising the range allotment is controlled by the applicant, ordinarily an on-and-off permit may be issued. The waiver of exclusive use of unfenced private land is not necessary unless the interests of the Government especially demand it.

#### **Determination of Amount of Fees.**

In the approval of applications from the owners of cattle and horses which graze on and off the National Forest an estimate will be made of the average number which will be grazed upon the Forest, and the fee will be paid upon this number. In issuing sheep permits the grazing fees will be based on the grazing capacity of that portion of the range which is National Forest land.

#### **Issuance of Permit.**

<sup>a</sup> The permit will be issued only for the proportionate number of animals which will use Forest range during the season, but will contain the following proviso: "This permit is issued with the understanding that — head of — will be grazed on range, — per cent within the National Forest and — per cent outside, and does not allow at any time the grazing of more than — head of — on the National Forest range herein described.

<sup>b</sup> "It is further understood and agreed that if the permittee allows a greater number of stock belonging to him than is herein provided for to graze upon the foregoing range unit of which the National Forest is a part, during the period this permit is in effect, the "on-and-off" clause shall immediately become null and void, and the grazing upon National Forest lands of a number of stock in excess of that upon which grazing fees have been paid shall be considered as a grazing trespass and treated accordingly."

All permits of this class should be plainly marked "On-and-off permit." Only the number of animals upon which the fees are charged will be counted against the number authorized by the Secretary of Agriculture, but in determining the permittee's status or class the total number will be considered. <sup>c</sup> Five-year permits will not be issued for "on-and-off" stock. (See "Permits to new owners," p. 49.)

#### **Proper Designation.**

This class of permits is sometimes erroneously called "drift permits," both in correspondence and the permits themselves, a practice which leads to confusion. Permits issued under Regulation G-6 should in all cases be designated as "on-and-off" permits.

<sup>a</sup> Paragraph modified; effective Apr. 1, 1917.

<sup>b</sup> Paragraph added; effective Jan. 1, 1920.

<sup>c</sup> Sentence added; effective Feb. 15, 1919.



## PRIVATE LANDS.

REG. G-7. Persons who own, or who have leased from the owners, unfenced lands within any National Forest which are so situated and of such character that they may be used by other permitted stock to an extent rendering the exchange advantageous to the Government, may secure permits allowing them to graze upon National Forest land, free of charge, the number of stock which the private lands will support, by waiving the right to the exclusive use of the private land and allowing it to remain open to other stock grazed on National Forest land under permit.

<sup>a</sup> The application must be accompanied by a personal certificate of title showing the description and ownership of the land, and, if leased from an owner, a copy of the lease or other satisfactory evidence, and must state the number and kind of stock permit is desired for, the range which it is desired to occupy, and the period during which the stock will remain upon the Forest. Permits will be subject to the same restrictions regarding the use of the range as permits issued under other regulations.

### INSTRUCTIONS AND PROCEDURE.

#### Ownership of Stock.

<sup>b</sup> Stock grazed under this regulation need not be owned by the person or persons to whom the permit is issued.

#### Crossing to Private Lands.

Permits to cross a National Forest with stock which will be kept upon private lands the owners or lessees of which do not desire to waive the right to its exclusive use will be issued under the provisions of Regulation G-8.

#### Grazing of Sheep and Goats.

The privilege of grazing sheep and goats upon National Forest lands under this regulation will be allowed only upon such ranges as are open to this kind of stock.

#### <sup>c</sup> Subject to Special Rules.

Owners of stock grazed under this regulation must comply with all special rules issued under Regulation G-3, and must pay annually during the period in which the association is allowed to collect reimbursements one-tenth of the initial pro rata charge for improvements constructed under the provisions of Regulation G-4.

#### Determination of Range Capacity.

In every possible instance, where such information has not already been obtained, the grazing capacity of the lands offered as the basis of the free permit and the advantages of the exchange should be determined by field examination and reported upon Form 251.

#### When Advantageous.

In the issuance of permits under this regulation it is intended that the Government will be compensated for the use of the Forest lands by an equivalent use, through stock under paid permit, of the private lands to which the right of exclusive use has been waived. When the private lands are so situated and of such character that they will not be occupied by stock upon which fees have been paid by the owner or lessee of the private land or by other permittees, to an extent approximately equal to the occupation of the Forest lands by the stock under free permit, the Government will not be adequately compensated for the use of its lands, and the exchange should not be made.

<sup>d</sup> When the use under this regulation of privately owned or leased lands involves increased expense to the Government, such deduction will be made in the number of stock allowed to graze as may be necessary to offset such expense.

#### Determination of Status.

Before issuing permits under this regulation the supervisor must determine that the title of the land has passed from the United States and that the applicant has the right to its use. <sup>e</sup> Where copies of leases are not available, copies of correspondence, receipt for fees paid on leases, or other satisfactory evidence may be accepted in lieu of a copy of the lease. No grazing preferences will accrue through use of the National Forest under this regulation.

#### Allowances for Private Lands.

The following rules will govern grazing allowances on account of unfenced private land within the exterior limits of National Forests when it is desired to allow the use of National Forest lands upon a waiver by the owner of the private land to exclusive use thereof in favor of Forest Service permittees:

<sup>a</sup> Paragraph amended; effective Jan. 1, 1917.

<sup>b</sup> Paragraph modified; effective Jan. 1, 1917.

<sup>c</sup> Instructions added; effective Jan. 1, 1917.

(19-G) <sup>d</sup> Paragraph added; effective Jan. 1, 1920.

<sup>e</sup> Sentence added; effective Jan. 1, 1917.

*Unperfected entries.*—Bona fide settlers who have made homestead entries, but have not yet made final proof, may be allowed free permits for grazing upon National Forest lands the number of animals their lands will support.

Persons who have filed upon lands within the National Forests under laws not requiring residence may be allowed free permits for grazing upon National Forests the number of stock their lands will support, after they have made final payment for the land.

*Indian allotments.*—Owners or lessees of Indian allotments may be allowed permits for grazing upon National Forests the number of animals the land will support, provided that patent has issued or a lease has been executed upon the blanks of the Indian Office and approved by the Commissioner of Indian Affairs.

*Mining claims.*—Persons holding unpatented mining claims within a National Forest have the right to the grass or other forage upon such claim needed for stock used in connection with the development of the claims, but they have no right to dispose of the forage to any other person or to collect rental for the use of the claims for grazing purposes. Such unperfected mining claims, therefore, can not be accepted as the basis for a permit under this regulation.

*Squatters' claims.*—Bona fide squatters upon unsurveyed lands may be allowed permits for grazing the number of animals their claims will support, provided no claim exceeds 160 acres. No conflicting claims will be recognized until the matter has been determined by the Department of the Interior.

*State selections.*—Persons who have applied to purchase or who have leased from a State any lands which have been selected under authority of an act of Congress, and the lists of which have been filed with the Commissioner of the General Land Office but have not been approved, will be allowed the use of these lands for grazing purposes pending final action upon the validity of the selections.

In permits based upon the right to the use of unapproved State selections the following clause should be inserted:

*And provided,* That the issuance of this permit gives no right to the use of the above-described lands except for grazing purposes, and in case the selection made by the State is disapproved this permit shall be null and void.

*Railroad lands—Surveyed or selected.*—Surveyed railroad lands within the primary limits of a grant are acceptable as the basis for the issuance of free permits under this regulation. Lands selected by the railroad company within the indemnity limits of a grant are not acceptable until after the selections have been approved by the Secretary of the Interior.

*Unsurveyed railroad land.*—The use of unsurveyed, unselected lands within the primary and indemnity limits of railroad grants will be allowed only in accordance with the grazing regulations under regular paid permits.

#### **b Five-year G-7 Permits.**

On Forests where the issuance of five-year permits has been authorized, G-7 permits for five-year periods may be issued in cases where the owners or lessees of the lands involved waive the right to the exclusive use of the private land for the five-year period.

#### **Procedure.**

When an application for a permit in exchange for the use of private lands is received card record (Form 403) will be made showing the name and address of the applicant, the acreage of the land owned or leased, the number of each kind of stock to be grazed, the location of the range to be occupied, and the grazing period. The cards will be filed alphabetically behind the record cards for the regular paid permits.

<sup>c</sup>The application (Form 925), report on the grazing capacity of the land (Form 251), and the duplicate copy of the permit (Form 656a) will be placed in a folder and designated according to instructions. The permit will be written in triplicate, the original sent the applicant, the duplicate filed, and the triplicate sent to the ranger in charge of the district.

## **CROSSING PERMITS.**

**REG. G-8.** <sup>a</sup>Persons wishing to drive stock across any portion of a National Forest to reach either public or private lands, except when the stock will be driven along a public highway and will not be grazed upon National Forest lands, must make application to the supervisor or other forest officer for a permit to graze the stock en route and must have a permit from the supervisor, or such other forest officer as

<sup>a</sup> Sentence amended; effective July 1, 1916.

(20-G)

<sup>c</sup> Sentence modified; effective Feb. 15, 1919.

<sup>b</sup> Instructions added; effective Feb. 15, 1919.



he may designate, before entering the National Forest. The application must state the number of stock to be driven, the date of starting, and period required for passage. Grazing must be confined to the limits and along the route designated by the forest officers, and will only be allowed for the period necessary for stock to cross the National Forest.

<sup>a</sup> The Forester in his discretion may issue the above permits free of charge or may establish a charge for crossing privileges.

## INSTRUCTIONS AND PROCEDURE.

The regular grazing permit carries with it the privilege of driving the permitted stock over National Forest lands to and from the allotted ranges at the beginning and end of the grazing season and from the range to the most accessible shearing, dipping, and shipping points during the term of the permit. Supervisors should designate the route to be traveled and the crossing period whenever it is evident that the unrestricted privilege would be detrimental to the Forest or to other permittees.

### When Granted.

Crossing permits may be granted for crossing stock over National Forest lands to points beyond the National Forest, for crossing stock to private lands within a National Forest, or for crossing stock to reach dipping vats or railroad shipping points.

### When Denied.

Crossing permits will not be issued prior to the opening of the grazing season for the class of stock concerned, except upon an established driveway. They will not be issued for stock which is so poor that it will not be able to cross the Forest, and they will not be issued for stock to be driven to private land within the Forest if the land is unfenced and the number of stock is greater than it will support for a reasonable period without trespass upon adjoining forest lands. Of course, it is not reasonable to refuse a crossing permit for this reason before the grazing capacity of the land has been determined.

### Supervision.

If occasion demands, rangers will be detailed to accompany the stock and see that there is no delay or trespassing.

### <sup>a</sup> No Charge for Ordinary Crossing Permits.

Ordinarily no charge will be made for crossing permits issued under this regulation. Exceptions to this rule may be made, in the discretion of the Forester, when conditions of use may justify a charge. When the use of a driveway is so extensive that it is necessary to employ special guards to patrol and supervise it during the crossing season, the persons enjoying such use may be required to deposit in a cooperative fund their proportionate share of the cost of such patrol and supervision for the payment of such expense.

### Paid Crossing Permits.

When a permit is desired for crossing the Forest with stock at regular intervals during an entire grazing season, or under other conditions which warrant the charging of a grazing fee, the grazing permit will be issued under Regulation G-9, and included in the regular series.

If the Forest includes a shipping point, or if it must be crossed to reach one by nonpermittees trailing stock, and limited grazing is necessary to prevent shrinkage, the Forester may authorize a grazing period of 10, 20, or 30 days, as the case may be, at a specified charge per band of sheep or cattle for the period established. The charge in such cases will be based upon the entire period and no allowance will be made if the range is used for a shorter time.

### Quarantine Regulations.

It is absolutely essential that persons crossing stock comply with the regulations governing the National Forests and with the quarantine regulations prescribed by the Secretary of Agriculture and the State authorities. Unless they do so the privilege may be denied them, but the condition of stock as to contagious or infectious diseases will be determined by the proper Federal or State authorities. Compliance being assured, and if the privilege will not expose the National Forest to damage or the regular permittees using it to inconvenience or financial loss, the permit should be issued without delay and with the fewest possible restrictions.

<sup>a</sup> Paragraph added; effective July 1, 1916. (21-G) <sup>b</sup> Instructions modified; effective Apr. 1, 1921. April 1, 1921.

#### **Crossing to Private Lands.**

Before issuing a permit to reach private land, the forest officer may require a written statement of ownership of the land or a copy of the lease thereof.

If the land is uninclosed and the applicant does not desire to waive the right to its exclusive use, the stock must be so handled that the animals will not intrude upon adjoining Forest areas. In order to protect the Forest from trespass or injury, an application for crossing with more stock than the land will support may be denied.

When the private land is securely fenced, the permit may be allowed for any number of stock the applicant desires to graze upon his land.

#### **Crossing to Dipping Vats.**

It is inadvisable to allow unpermitted sheep to cross National Forest lands to be dipped at a vat within the Forest, unless there is no available dipping vat outside of the limits of the Forest, but the Forest Service will not prevent compliance with the Federal or State quarantine requirements by refusing access to a dipping vat so located. The supervisor will determine for each vat on his Forest whether the circumstances warrant the granting of this privilege and the restrictions which should govern it, and will instruct the rangers accordingly.

#### **Crossing to Shipping Points.**

If a shipping point within a National Forest is the only one reasonably accessible to persons grazing stock outside, the supervisor may allow crossing privileges under such restrictions as are necessary to protect the interests of regular permittees.

#### **Applications.**

Applications for crossing permits may be made either in person or by letter, and the permits issued to either the owner or person in charge of the stock.

#### **Interforest Crossing Permits.**

When stock is to be driven across more than one Forest, it should not be allowed to enter the first Forest until crossing permits have been obtained for the others.

However, where customary routes of travel or stock driveways cross two or more adjoining Forests, interforest crossing permits may be issued under an agreement between the supervisors. The permit will be issued on the Forest which the stock first enter and will grant the privilege of crossing all of the Forest land traversed by the driveway. Copies of interforest crossing permits will be forwarded to all supervisors concerned. (See also instructions under Reg. G-13, p. 30.)

#### **Period Effective.**

The dates between which the permit may be used should include a period sufficient to provide against unavoidable delay. To illustrate, where the time required to cross a Forest is 4 days, the permit may be made effective for 15 days, with a proviso that not more than 4 days will be used in crossing.

#### **Procedure.**

Crossing permits will be issued in triplicate (Form 874-17), one copy delivered to the applicant, one copy retained by the issuing officer, and one copy sent to the supervisor, who will file them in a folder marked "Crossing permits."

### **FEES.**

<sup>a</sup> REG. G-9. A reasonable fee will be charged for grazing all kinds of live stock on National Forests, except as otherwise provided in these regulations, or in cases in which the Forester may determine that the interests of the United States will be best subserved by permitting free grazing. Unless otherwise authorized by the Secretary of Agriculture, the following rates will be charged. The rates will be based upon the yearlong rate for cattle, which will be from 60 cents to \$1.50 per head, depending upon the advantage and the locality of the Forest.

<sup>a</sup> The yearlong rates for horses will be 25 per cent more and the yearlong rates for swine 25 per cent less than the rate for cattle. The yearlong rate for sheep and goats will be 25 per cent of the yearlong rate for cattle.

The rates for all kinds of stock for periods shorter than yearlong will be based upon a monthly charge of one-ninth of the annual rate for periods of less than four months, or periods beginning between July 15 and October 15, or of one-tenth of the annual rate per month for periods of four months or over beginning between October 16 and July 14, provided that the rates on

<sup>a</sup> Paragraph amended; effective Apr. 1, 1917. (22-G)  
April 1, 1921.



sheep, goats, and swine shall not be divided into fractional amounts of less than one-fourth of 1 cent, and the rates on cattle and horses shall not be divided into fractional amounts of less than 1 cent; and provided that the minimum rate for any short period shall not be less than 20 cents per head on cattle, 25 cents per head on horses, 12 cents per head on swine, or 5 cents per head on sheep or goats exclusive of extra charges for lambing or kidding. An extra charge of 2 cents per head will be made for sheep or goats which are allowed to enter the National Forests for the purpose of lambing or kidding. No charge will be made for animals under 6 months of age at the time of entering the Forest which are the natural increase of stock upon which fees are paid or for those born during the season for which the permit is allowed.

## INSTRUCTIONS AND PROCEDURE.

### When Animals Under Six Months are Subject to Charge.

The full grazing fee will be charged on all animals under 6 months of age which are not the natural increase of stock upon which the fees are paid.

### No Reduction Because of Partial Use.

No reduction in grazing fees will be made when the stock do not graze upon the National Forest during the entire period allowed, nor will an increased number of stock be allowed to enter the Forest for this reason. (See "On-and-off permits," p. 18.)

### Extension of Permits.

If suitable range is available within the National Forest, grazing permits for short periods may be canceled and extended permits issued for any of the longer periods established for the Forest upon payment of the difference between the rates established for the two periods. The fee representing the difference between the two rates must be paid not only upon stock covered by the original permit, which are to be grazed during the extended period, but also upon all additional animals which have reached the age of 6 months during the original permit period.

### Minimum Division of Rate.

In determining the rates for periods less than one year no division of less than one-fourth of 1 cent will be made in the rates for sheep, goats, or swine, or of less than 1 cent in the rates for cattle and horses. For example, if in computing the rate for a short period on sheep the result obtained is 6.87, the rate will be fixed at  $6\frac{1}{2}$  cents; but if the result is ~~6.89~~, the rate will be fixed at 7 cents. Under the same plan, if the result obtained in computing the rate for a short period on cattle is 28.5, the rate will be fixed at 28 cents; but if the result is 28.6, the rate will be fixed at 29 cents.

### Charge for Irregular Periods.

In cases where it is difficult beforehand to determine the use that can be made of a privilege, fees should be charged and permits issued for the established period which most closely meets the requirements of the case. Special authority may be secured later for refund of the unearned portion of the fee when the circumstances warrant on the basis of the percentage of use secured by the permittee. Since a refund requires the approval of the district forester, permits must not be issued with the understanding that a refund will be made.

### Charges for Sheep.

The rates charged for sheep, as shown in Regulation G-9, are 25 per cent of the rates charged for cattle, for the following reasons:

First. The proportionate number of stock under 6 months of age grazed free on permits is much greater with sheep than with cattle. In the feedlot the amount of feed required for one cow will support eight sheep. On the National Forest range, where only the grown stock is counted, the proportion is reduced to one to five, because the proportion of lambs to the old stock is much greater than the proportion of calves, and also because lambs mature more rapidly than calves and require more feed.

Second. Under the customary methods of handling stock upon the range, sheep are more destructive to the young forest growth than cattle, being herded in bands while cattle are turned loose. Careful investigation has shown that herded animals require from 25 to 50 per cent more range than animals which are turned loose. This justifies the relatively high ratio used as the basis for the rates for grazing sheep and goats fixed by the regulation.

#### **Charges for Horses.**

In ordinary range management it is found that horses require about 25 per cent more range space during a given period than is required by cattle. In many localities horses utilize feed that would otherwise remain unused and consequently often graze upon fully stocked cattle or sheep ranges without any injury from overgrazing, but as they are more readily disturbed, travel greater distances and at greater speed than cattle, they do more damage to forage and tree growth through trampling and as a result require more of the range.

#### **Charges for Swine.**

The forage consumed by swine is difficult to compare with that consumed by cattle, as their feed is mast, roots, and bulbs rather than forage grasses and plants, but for purposes of administration two head of swine will be considered equal to one cow. On account of the cost of regulating hog grazing, the very large proportionate natural increase, and the damage from rooting, 60 to 75 per cent of the rate for cattle is equitable.

#### **Charges for Dry Sheep.**

A band of dry sheep will not consume as much forage as a band of ewes with lambs, but since they will run and mass to a greater degree the demand on range is about equal. The high summer ranges of the National Forests are required to enable ewes to produce the maximum amount of milk to give the lambs the growth they require to prepare them for market. Therefore as between the two classes the higher and better ranges should be given to the ewes and lambs. The absence of lambs in a band does not justify any reduction below the rates charged for ewes with lambs, and persons grazing dry sheep will not be given a reduction in rates or an increase in number.

#### **Charge for Lambing.**

The additional charge of 2 cents per head for the privilege of lambing ewes upon the National Forests is intended to be an extra charge for a special use of the range. It should not be included with the season fee, but should be figured separately upon the basis of the number of ewes or does to be lambbed or kidded. The control of suitable lambing grounds is one of the most important factors in successful sheep raising. The intensive method under which sheep must be handled during the lambing season causes more damage to the range than ordinary grazing, and the lambing charge is made for the use of the range for a special purpose which causes more than ordinary damage to the range. It is not on account of the additional feed required by the lambs.

The phrase "for the purpose of lambing or kidding" should be construed to mean the use of a range during the period from the time the first lambs or kids are born until the herds are made up for summer grazing, or ordinarily the period during which the herd is on the lambing grounds. The mere fact that lambing corrals are located upon patented land within the Forest or upon public lands immediately adjacent will not relieve a permittee from the payment of the lambing charge. Two cents per head will be charged in all cases where drop bands are grazed upon the Forest or where ewe bands enter the Forest immediately after the lambs are dropped and before the herds are made up for the summer. If a lambing ground is located partly within a Forest and partly outside, or on private lands, so that the stock will be grazed on and off the Forest during the lambing period, there should be a division of the extra charge for lambing on the same basis as the on-and-off grazing fee.

While it is true that in some cases ewes or does entering the Forest with lambs or kids after the herds are first made up must be confined to a limited area until the young are able to travel, and consequently damage the range to an unusual extent, the element of special use and damage is not present and



they will be charged for at the regular rate established for sheep and goats for the period.

## PAYMENTS.

**a** REG. G-10. **b** All grazing fees are payable thirty days in advance of the beginning of the grazing period, unless otherwise authorized by the Secretary of Agriculture. When an applicant for a grazing permit is notified by the supervisor that his application has been approved, he will remit the amount due for grazing fees to the district United States depository, and upon receipt of notice by the supervisor that payment has been received a permit will be issued allowing the stock to enter the Forest and remain during the period specified.

Persons who fail to pay the grazing fee thirty days before the beginning of the grazing period must notify the supervisor and give satisfactory reasons, or within the discretion of the supervisor may be denied a grazing permit the following season. Whenever any stock is removed before the expiration of the permit, it can be replaced by other stock to fill out the number covered by permit if the forest officer is notified of such action at once. Fifteen days may be added to the grazing period, in the discretion of the supervisor, without charge.

## INSTRUCTIONS AND PROCEDURE.

### Grazing Fees Payable in Advance.

The approval of an application to graze stock on Forest land does not authorize the grazing of the stock. Persons who place stock upon a National Forest before they have paid the grazing fees due and secured a permit are guilty of grazing trespass, thereby becoming subject to a demand for damages or, in aggravated cases, to civil or criminal action. This fact should be brought to the attention of stock owners who are delinquent in paying their fees, and in cases where such delinquency is due to extreme negligence or willfulness trespass proceedings may properly be initiated. If trespass action is instituted the approval of the application will be modified so as to exclude that part of the grazing period during which the stock were in trespass and permit will be issued only for the part of the season during which the occupancy of the Forest lands is in accordance with the regulations. The proper proportion of the grazing fee charged will be computed in accordance with the provisions of Regulation G-9.

### **c** Payments on Five-Year Permits.

Payments on five-year permits will be made annually in advance in accordance with the provisions of Regulation G-10 and the instructions under that regulation.

### Emergency Concessions.

If an emergency requires that stock be allowed to enter the Forest immediately, the district forester may authorize the supervisor to allow the stock to enter upon evidence that the fee has been forwarded to the United States depository, the permit to be issued when notice of receipt of the remittance is received. In no case will stock be allowed to enter the Forest before remittance has been made.

### Additional Time Allowance.

The supervisor may allow stock to enter not more than 15 days in advance of the date fixed for the beginning of a grazing period, or allow it to remain 15 days after the expiration without additional charge, when the needs of the people demand such action and the condition of the range warrants. The additional time allowed shall not exceed a total of more than 15 days during any one grazing season, and will not be stated in the permit, but permission to enter before or remain after the regularly established dates will be given either by general notice or by a letter written to the applicant.

### Nonpayment of Fees.

The last paragraph of this regulation should be enforced with the discretion conferred by the regulation. It is not the intention to bar the applicant from all future use of the range because he fails to pay his grazing fee for one season. If he fails to do so he may be denied a permit until settlement is made, and if his stock graze upon the Forest he may be prosecuted for trespass; or, if he makes application without intending to use the range but merely to hold it to the exclusion of other applicants, he may be denied a permit. If failure to make the required payment does not deprive others of range or necessitate a readjustment of grazing allotments, it may be overlooked and need not be made the grounds for a rejection of an application.

### How Payments Are Made.

When payment of a grazing fee is required, the supervisor will furnish the applicant with a letter of transmittal (Form 861-G), which must accompany the remittance to the United States depository. Upon receipt of notice from the United States

<sup>a</sup> Regulation modified; effective July 1, 1915. (25-G) <sup>c</sup> Instructions added; effective Feb. 15, 1919.

<sup>b</sup> Sentence amended; effective Jan. 1, 1917.

depository that payment has been made, the fiscal agent, after detaching the coupon, will stamp the letter of transmittal "Received payment certificate No. ...." and forward it to the supervisor.

#### Delinquents.

<sup>a</sup> When necessary, the supervisor will notify all persons who have not paid the fees 30 days prior to beginning of grazing period that their payments are overdue, and unless payment is made within a certain specified time permit for that season will be denied them. Thirty days after the beginning of the grazing period the supervisor will take such action as is justified in the case of each delinquent. (See p. 31, "Card Record.")

#### When Fee Paid is Less than Amount Due.

When the amount paid is less than the amount due, the supervisor will notify the applicant to remit the remainder, withholding the permit until he does so. If after a reasonable time the applicant fails to remit the additional amount due, the supervisor may issue a permit for the number of stock which the grazing fees paid will cover.

## REFUNDS.

<sup>b</sup> REG. G-11. Grazing fees will be refunded for nonuse of the permit when, in the opinion of the district forester, the applicant is prevented from using the range by circumstances over which he has no control, or his range is trespassed upon, or renewal of permit is allowed to a purchaser of the stock.

In the discretion of the district forester, refunds may also be granted in cases where after payment has been made the permittee for some reasonable cause does not use the range and the demand for grazing privileges makes it advisable to reallocate the range to another applicant.

## INSTRUCTIONS AND PROCEDURE.

#### Excess Payments.

Whenever payment in excess of the amount due is made, the amount overpaid will be refunded. Applications for the refund of moneys in excess of the amount due must be accompanied by a copy of the grazing permit issued, showing the amount received and the number of stock and grazing period covered by the permit.

All claims for refunds must be made in writing to the supervisor and will be considered in accordance with Regulation G-11.

#### Statement or Report.

Applications for the refund of money paid on account of a grazing permit must be accompanied by a statement giving the reasons for not using the permit. This may be either the written statement of the permittee or a report by a forest officer who has looked up the case.

#### Condition Warranting a Refund.

<sup>c</sup> In order to avoid securing fees from two different persons for the same range allotment, if the permittee's failure to use the range is based upon reasons acceptable to the district forester and the range can be reallocated to another applicant without loss of revenue to the Government, refunds may be made. Unusual climatic conditions, floods, high water in streams, heavy snow, etc., or infectious disease causing quarantine by Federal or State authority, loss of stock caused by poison, disease, railroad wrecks, or in some unusual manner, are all good reasons for refund. If the district forester is satisfied that the permittee has exercised good business judgment and used proper methods in handling his stock and was still unable to place it upon the allotted range, a refund may be granted. In all cases of unusual loss where it is either impracticable or impossible for the applicant to secure other stock, a refund may be made, but if the stock can be replaced this should be required, as in the case where a portion of the stock has been sold and removed from the range.

#### Loss of Range through Trespass or Error.

An equitable portion of the grazing fees may be refunded when a permittee is prevented from enjoying the full use of his range by reason of trespassing stock entering upon it or on account of an error by a forest officer.

#### Computation of Amount to Be Refunded.

Regulation G-9 provides that for periods of less than four months, or periods beginning between July 16 and October 15, the fee will be computed upon the basis of one-ninth of the yearlong rate, and for periods of more than four months beginning between October 16 and July 15 the fee will be computed on the basis of one-tenth of the yearlong rate. A minimum of 20 cents for cattle, 25 cents for horses, 12 cents for swine, and 5 cents for sheep and goats is also established.

<sup>a</sup> Paragraph modified; effective July 1, 1915. (26-G) <sup>c</sup> Paragraph modified; effective Jan. 1, 1917.

<sup>b</sup> Regulation amended; effective Jan. 1, 1917.



In cases where Forest land is used during only part of a period covered by permit, and a refund of a portion of the grazing fee appears equitable, the fee due for the period during which the range was actually used or was available for use will be computed in accordance with the provisions of Regulation G-9. The difference between the amount thus determined and the amount actually paid may then be refunded as unearned.

#### **Transfer of Refunds.**

A request that an amount due as a refund be credited to the permittee in another transaction or be placed to the credit of another applicant will be referred to the district fiscal agent for action, as the details of accounts and disbursements are entirely within his jurisdiction.

#### **Sale of Stock.**

No refund will be made on account of stock having been sold except in cases where the fees have been paid prior to the opening of the grazing season, the stock have not entered the Forest, the preference in renewal of the permit is waived by the original owner to the Government and the purchaser is allowed a permit. In such a case the fees on the number of stock repurchased may be refunded to the original permittee on his request.

The amount which will be refunded will not exceed the amount of the fees due on the permit issued to the purchaser. The difference, if any, between the amount paid on the original permit and the amount due on the new permit will not be refunded. A permittee who sells his stock under conditions which justify a full renewal of the permit to the purchaser, and signs a waiver to its renewal to himself (Form 763), is entitled to a refund of the full amount paid. If the conditions justify a renewal for only 80 per cent of the number of stock covered by the original permit, then 80 per cent of the original payment will be refunded.

#### **Failure to Purchase Stock.**

Persons who make application to graze stock which they do not own but intend to purchase will not be entitled to a refund because they fail to secure the stock. They may, however, reserve the right to place stock upon the range at any time during the period allowed by the permit.

In many cases applications are submitted for the privilege of grazing stock which the applicant expects to buy later in the season, and the supervisor approves the application and issues the permit. Later developments lead the applicant to believe that more money can be made by some other action and he requests a refund of the fees paid. Such refunds should not be approved. By the issuance of a permit the Forest Service has done its part in reserving sufficient range for the number of stock covered. In such cases the range is at the disposition of the permittee during the period covered by the permit, and he has the right to place the stock upon it at any time during the season. His failure to avail himself of the privilege does not constitute grounds for a refund.

Speculation in the use of the Forests can only be prevented by a strict enforcement of this rule.

#### **a Procedure.**

Upon receipt by the supervisor of an application for a refund and a statement of the reasons therefor, he will prepare a Form 5a in duplicate and a Form 24b to cover the refund. The original voucher will be executed by the applicant for the refund or his legal representative. Having certified to the correctness of the amount and recommended its payment, the supervisor will forward to the district forester the above-mentioned papers, together with a copy of the grazing permit and a letter giving any information in the case necessary to its understanding.

If in the judgment of the district forester the refund should be made it will be approved and transmitted, together with Form 24b, to the district fiscal agent for payment. When payment has been made the district fiscal agent will stamp with the word "Paid" the Form 24b and forward it to the supervisor.

If not approved the papers will be returned to the supervisor who will be notified in writing as to the reasons therefor. In such cases the supervisor will at once return to the applicant for a refund the original voucher signed by him, together with a letter notifying him of the district forester's disapproval.

No notice of approved refunds other than the return of Form 24b stamped "Paid" will be sent to the supervisor.

Upon receipt of the Form 24b stamped "Paid" the supervisor will enter on his card 621 the amount of the refund, together with the date when paid, filing the Form 24b in the permittee's proper grazing folder.

### **NOTICE TO APPLICANTS.**

**b REG. G-12.** The supervisor will give the public notice each year of a date on or before which all applications for grazing must be presented to him. Permits may be refused to persons who do not file their applications within the required time, unless satisfactory reasons are given.

## INSTRUCTIONS AND PROCEDURE.

### Advertisements.

<sup>a</sup> Publicity will be given to the grazing allowances, periods, fees, date for receipt of applications, and other information by means of circular letters and posters, and, at the discretion of the supervisor, by newspaper advertisements.

### Notification of Permittees.

<sup>a</sup> All persons who held either annual or short-period permits during the previous year will be notified by postal card (Form 153) or by circular letter of the date upon which applications for grazing permits must be filed with the supervisor.

### Final Date for Receipt of Applications.

Applications must be received, range allotments made, and permits issued before the beginning of the grazing season. This necessitates fixing a date sufficiently far in advance to enable the supervisor to complete the work of issuing the permits. The date having been widely published, it will be assumed that the applications on file that day represent all the users of the Forest range entitled to consideration, and the supervisor may proceed to allot the grazing privileges.

### Action on Applications After Final Date.

The applications having been acted upon and the notices of approval forwarded, no changes will be made to accommodate persons who failed to file their applications in time, unless their failure was caused by circumstances which, in the supervisor's opinion, warrant a readjustment of range allotments. Negligence or failure to exercise ordinary diligence will not be considered a satisfactory reason for the acceptance of an application after the date set.

In case the total number of any kind of stock applied for before the date which has been set does not equal the number authorized to graze on the Forest, applications may be approved at any time until this figure has been reached.

### Acknowledgment of Receipt.

Supervisors will acknowledge the receipt of applications by postal card (Form 303).

### No Notification of Approval Before Date Established.

Supervisors must not notify applicants of the approval of their applications before the date set for their consideration.

## APPLICATIONS FOR PERMITS.

<sup>b</sup> REG. G-13. The Forester may authorize the approval of applications for grazing permits effective during periods of five years or less, but revocable at any time within the discretion of the Secretary.

Permits for the five-year period will be issued with the understanding that during the life of the permit no reduction in numbers will be made except as provided in Regulation G-20 or when necessary to protect the forest or range.

All applications for grazing permits must be submitted on blank forms which will be furnished by the supervisor and the information necessary to complete the application must be furnished in detail. The number of stock must not be greater than the number the applicant actually owns or intends to purchase or less than the number he intends to graze upon the Forest. Speculation in the use of grazing permits will not be allowed, and permits will be refused or revoked for intentional false statement of the number of stock owned.

When authorized to do so by the district forester, a supervisor may require an applicant to supplement and confirm his grazing application by a detailed statement subscribed and sworn to before a Federal or State officer empowered to administer oaths.

Under the same authority any permittee may be required to submit for inspection all books, papers, and records pertaining to the purchase, sale, or ownership of any live stock grazed under permit or for which an application is filed for a permit by any individual, partnership, or corporation. Such information shall be considered as confidential unless the interests of the United States require its use in court proceedings.

## INSTRUCTIONS AND PROCEDURE.

### Application Should Be Complete.

Forest officers should require that every question contained in Forms 298 and 879 shall be answered by the applicant, either affirmatively or negatively. The information required to complete the forms serves as the basis for the apportionment of grazing privileges and constitutes the record maintained by the Forest Service. All statements should be complete and be checked and verified by the supervisor.

<sup>a</sup> Paragraph modified; effective Feb. 15, 1919. (28-G) <sup>b</sup> Regulation amended; effective Jan. 1, 1919.



**a Marks and Brands of Stock.**

If the application shows that the stock to be grazed bear marks or brands not recorded in the name of the applicant or known to be his property, proof of the actual ownership of such stock should be required before the application is approved.

If the stock actually placed upon the Forest is not marked or branded as shown in the permit or with a mark or brand known to be the property of the permittee, the permittee should immediately be required to submit acceptable proof of ownership or else to remove the stock from the Forest.

**Separate Applications.**

In the issuance of permits stock are divided into two classes, one including cattle, horses, and swine, the other sheep and goats. The permits are designated and filed separately. A single applicant desiring to graze both classes of stock upon a single Forest should be required to submit two applications, one for each general class of stock.

**Certified Statements.**

When necessary, an applicant may be required to furnish a certified statement showing the name, residence, and interest of any other person in the stock covered by his application. Firms or corporations may be required to furnish a certified statement of the name and residence of all members or stockholders.

If the supervisor has reason to believe that a new applicant, or one seeking renewal of a permit on account of purchase, already holds an interest in a company grazing stock under permit he may require this information, or may require it if there is a question of preference between two companies or corporations.

**Sworn Statements.**

Sworn statements may be required by a forest supervisor under special authority from the district forester, but ordinarily they are unnecessary. The penalty for false statement of essential facts should be the refusal or revocation of permit as provided by Regulation G-13; consequently a sworn statement is valuable chiefly for its moral effect.

**False Statements or Suppression of Material Facts.**

If at any time between the first allotment of a grazing privilege and the final closure of the case through the acceptance by the forest supervisor of a waiver of grazing privileges it is discovered that the original allotment of the privilege or its subsequent renewal was secured by willful misrepresentation or the suppression of material facts, the permit shall be revoked and the grazing privilege declared forfeited upon the termination of the current grazing period, even though the permitted stock have in the meantime been transferred to a purchaser.

**Knowledge of Fraud or Fatal Defect by Purchaser.**

When a purchaser of permitted stock who has applied for a renewal of grazing permit has no direct or indirect knowledge of fraud or fatal defect in the base permit, a clear official record in the case of the original permittee at the time the waiver is accepted will be construed in favor of the purchaser of the stock, and if the new owner has exercised such care and diligence as might be expected of a reasonably prudent man in ascertaining the bona fides of the base permit, any latent defect which may subsequently develop will not be held as invalidating the permit, but will be set aside and the continued enjoyment of the privilege allowed.

**Unintentional Misstatement or Misrepresentation.**

Unintentional violation of the regulations or terms of the application and permit in the acquirement or renewal of the privilege will not be construed as fatal to the continued enjoyment of the permit by the original permittee or to the renewal of the privilege to a purchaser otherwise qualified, but the burden of proof as to good intent will rest upon the person committing the breach of regulations or terms of the application and permit, and such person must satisfy the supervisor that the wrongful conduct was entirely unintentional before he will be relieved of responsibility for it.

**Error on Part of Forest Officer.**

The Forest Service will not revoke or reduce a permit because of a mistake made in good faith by a forest officer, if the permittee has furnished the required information and has not contributed to the original error.

**Application for an Unauthorized Class of Stock.**

When an application is received for grazing a kind of stock which has not been provided for by the Secretary of Agriculture, a full report with recommendations will be made to the district forester and his instructions received before disapproval of the application, unless the grazing of the particular kind of stock has been considered by the Forester or the Secretary of Agriculture and the action taken was not favorable.

#### Range in Two Forests.

*a* When a range used by an applicant is located in two adjoining Forests, either supervisor, with the consent of the other, may issue the permit with the understanding that stock is to be grazed upon both Forests. Two copies will be sent to the other supervisor. (See Reg. G-1, p. 5, "Stock chargeable against authorization." Instructions covering method of charging stock against allotments under this paragraph.)

The supervisor approving the application will compute as closely as possible the proportion of the total fee which will be earned by each of the Forests upon which the stock will graze, and will show by footnotes on the body and stub of the letter of transmittal the amount which should be credited to each Forest. A Forest which does not provide a part of the range occupied during the permit period, other than that used by the stock while en route to the permitted range, will not be given credit for any part of the fee paid.

#### Applications for More than One Period.

Persons who desire to graze the same class of stock upon the range during more than one established period may submit one application for the entire number of stock, showing the number which will be grazed during each period.

#### Statement of Ownership.

*b* As an applicant is classified by the total number of stock he owns or expects to purchase, exclusive of stock exempt under Reg. G-5, the application should be filled out accordingly.

#### Stock to Be Purchased.

When applications for permits are made to graze stock which it is intended to purchase, a statement to that effect will be made on the application blank.

An applicant who does not own the stock for which permit is desired, but whose prior use of the range entitles him to consideration, may secure a grazing permit on his certification that the stock will be purchased. *c* Satisfactory evidence of legal title to the stock will be required before it is allowed to enter the Forest.

#### Supplemental or New Applications.

In case the applications have not reached the total number of stock authorized to graze upon the Forest, supplemental or new applications may be approved with the understanding that the permit will be temporary and no permanent range equities accrue for the increase, excepting after three years' regular issuance of the temporary permit. (See "Temporary use of range," Reg. G-14, p. 36.) This understanding should be made a matter of positive record so that it will not be overlooked in subsequent allotments.

#### *d* Applications for Five-Year Permits.

When authorized by the Forester applications may be approved for permits during a five-year period. On Forests where the issuance of five-year permits has been approved, applications for such permits received subsequent to the initial year will be approved for the unexpired portion of the five-year period—four, three, or two years, as the case may be—so that all five-year permits on that Forest will expire the same year.

Applications for five-year permits will be made on Form 298 or Form 925 (G-7) as the case may require.

Five-year permits will be revoked for failure to pay the grazing fees for any one year, or for failure to use the range for more than one year unless unusual circumstances exist.

Except as otherwise specifically provided, all grazing regulations and instructions for annual and short term-permits will apply with equal force and effect to five-year permits.

#### Method of Approval.

The supervisor will immediately notify the applicant on the approval of his application by a letter of transmittal (Form 861-G) showing the number of stock for which the application has been approved, the period, and the fees to be paid. Any unusual conditions may be noted on the form. Whenever an amendment or a correction is made, or a supplemental or temporary application is approved, the notice will be marked "Amended," "Corrected," "Supplemental," or "Temporary," etc. A duplicate of each Form 861-G issued will be sent to the district forester at once and a triplicate filed in the supervisor's office.

*e* Form 861-G for five-year permits will designate the year for which payment is to be made, thus: "Five-year period, first year."

*a* Sentence modified; effective Jan. 1, 1917.

*b* Paragraph modified; effective Jan. 1, 1917.

*c* Sentence added; effective Oct. 1, 1915.

*d* Instructions added; effective Feb. 15, 1919.

*e* Paragraph modified; effective Feb. 15, 1919.



**a Approval of Five-Year Applications.**

Applications for five-year permits will be approved only for applicants holding established grazing preferences and owning commensurate ranch property, or in exchange for use of private lands. (Reg. G-7.)

When the grazing preferences on a Forest exceed the number of stock for which five-year permits may be issued, applications from qualified class A permittees for either annual or five-year permits will be approved first and the remainder of the five-year authorizations distributed among class B applicants. When the remainder of the five-year authorization is not sufficient to cover the issuance of five-year permits to class B applicants for numbers of stock up to the maximum limit they may be allowed five-year permits for a number established by the district forester, and annual permits for the remainder of their established grazing preferences. (See p. 30-G, "Applications for five-year permits.")

Applications for five-year permits will be approved or disapproved in the usual manner. Each permit will be issued for the entire period covered by the approved application. At the time the supervisor notifies all applicants for grazing permits of the approval of their applications and the amount due for grazing fees, he will notify each holder of a five-year permit of the amount due on it for the coming grazing season, furnishing the usual forms, letter of transmittal (Form 861-G), etc.

The carbons of Form 861-G except the copy forwarded to the district office will be held in the supervisor's office until such time as he receives the receipted original Form 861-G from the district fiscal agent. He will then stamp with the validation stamp the receipted original Form 861-G and all copies which have been held and forward them to their proper destinations.

**District Office File and Check.**

As duplicate notices of approval are received in the district office they will be examined and filed alphabetically under forest guides.

The district forester will require such check to be made of these notices as is necessary for a proper audit.

**Method of Disapproval.**

When a grazing application is either wholly or partially disapproved the supervisor will notify the applicant by letter, giving the reasons for his action, and will send a copy of the letter to the district forester. The letter must show the number of stock applied for and furnish the applicant with adequate and conclusive reasons for the disapproval of his application, while the carbon furnishes the district forester with the same information. It must assure both the applicant and the district forester that the application has received proper consideration.

<sup>b</sup> District foresters may authorize supervisors to omit sending to them copies of letters in cases of partial disapproval.

**Method of Cancellation.**

Upon receipt of notice that the applicant does not intend to pay the fees or accept the permit, or if for any reason the permit is not issued afterwards, the supervisor will close the case and mark the card "Canceled." The applicant will be informed at once of the action taken and the reasons for it, and a copy of the letter will be forwarded to the district forester. (See p. 26, "Delinquents.")

**Designation and Filing.**

<sup>c</sup> Applications for grazing permits will be designated by the name of the applicant, initials indicating the kind of stock for which permit is desired, and date of application. Approved applications, including those for five-year periods, will be filed alphabetically or by districts in two divisions, one including applications to graze cattle, horses, or swine, the other applications to graze sheep and goats. Amended applications will be marked "Amended" and bear the same designation as the original. Supplemental applications will be designated by the dates they bear and not by the date of the original application, but will be marked "Supplemental" to show their relation to the original application. Amended and supplemental applications will be recorded on the original card, Form 621, using one line of the card for each transaction.

Applications may be amended, supplemented, temporarily canceled, approved, or disapproved.

**Card Record.**

<sup>d</sup> Each approved annual or five-year application will be recorded upon a record card, Form 621, which provides for a record covering a period of 10 years.

All of the information required by the form should be entered upon the card.

The record of all temporary permits should be made in red ink.

While the card is spaced for 10 yearly entries, it may often be necessary to use two or more spaces for some years. In such cases, when the spaces on one card are ex-

<sup>a</sup> Instructions added; effective Feb. 15, 1919.

<sup>b</sup> Paragraph added; effective Apr. 15, 1919.

(31-G)

<sup>c</sup> Paragraph modified; effective Jan. 1, 1917.

<sup>d</sup> Paragraph modified; effective Feb. 15, 1919.



hausted use a second card, and when the 10-year record is completed staple the two together and file as directed. This will avoid crowding the information on the spaces.

Refunds will be recorded by a note in the "Remarks" space or on the margin of card; e. g., "Refund—1912," which will refer to detailed record contained in folder. The record cards, Form 621, being continuous, will be retained in the current files until the case is closed, when they will be transferred to the file for record cards of closed cases.

#### Cards; How Filed in Case.

In placing these cards in the current file case they will be arranged alphabetically. Behind each guide card will be placed a second guide card bearing the caption "Unpaid," back of which all cards will be placed when grazing applications are approved and the cards filled out.

As rapidly as the fees are paid and permits issued the cards will be placed in front of the "Unpaid" card, which will provide a means for immediately finding delinquents. (See Instructions, Reg. G-10, p. 26, "Delinquents.")

### QUALIFICATIONS OF APPLICANTS.

<sup>a</sup> REG. G-14. Grazing permits will be issued only to persons entitled to share in the use of the range within National Forests by virtue of prior use and occupancy of National Forest lands for grazing purposes; or by local residence, ownership of improved ranch property, and dependence upon the range; or by the acquisition of stock grazed upon National Forest lands under permit and of improved ranch property used in connection with the stock, under circumstances which warrant an entire or partial renewal of the permit issued to the former owner, except when there is surplus range, in which case temporary permits may be issued to owners of transient stock, or to regular permittees for an increased number of stock.

After three years' use of surplus range under temporary permit an owner of ranch property commensurate with the stock may, within the discretion of the district forester, be allowed permanent renewal within the maximum limits upon the basis of regular use and occupancy.

All stock grazed under paid permit on a National Forest must be actually owned by the permittee at the time the animals enter the forest and during the entire time they are grazed there.

Nonuse of a range during one year, except as authorized by the Forester, will be sufficient grounds for the denial of grazing privileges.

For all purposes of permanent allotment each member or stockholder of a firm or corporation will be considered as holding a permit to graze the full number of stock covered by any and all grazing permits issued to such firm or corporation. This shall also apply to stockholders of any corporation not itself the holder of a grazing permit but which owns or acquires shares of stock in another corporation holding a grazing permit. The individual permit of a person who acquires an interest in the permit of any firm or corporation will be subject to reduction in its renewal when the combined number of stock covered by all permits in which the person is interested exceeds the maximum limit.

### INSTRUCTIONS AND PROCEDURE.

#### Ranch Property Must Be Commensurate.

Ranch property will ordinarily be construed to mean lands producing cultivated crops which are used for feeding live stock, but in localities where the production of feed is not a requisite to the stock business, the ownership of spring and fall range or lambing grounds by a bona fide local resident dependent upon the use of the range should be given nearly the same, if not equal, weight with the ownership of cultivated lands. The same is true of the ownership of water rights which control adjoining National Forest range. Property of this sort must be commensurate with the number of stock and actually dependent for its value upon National Forest range. To illustrate, a spring and fall range and lambing ground sufficient for 1,000 head of sheep might justify the approval of an application for a permit to graze 1,000 or less sheep upon a National Forest during the summer season, but not of an application to graze 2,000 head of sheep during the summer season or to lamb and graze 1,000 head of sheep during the spring and fall seasons.

#### <sup>b</sup> Definition of the Term "Commensurate Ranch Property."

The term "Commensurate Ranch Property" as used in the National Forest regulations shall mean ranch property of the kind and amount necessary to furnish feed or forage for the stock in accordance with the customs of the locality during the portion of the year when it is not grazed upon the National Forest, except that when the stock is grazed upon the Forest during the entire year, it shall then mean the kind and amount of ranch property required in connection with proper handling of the stock.

<sup>a</sup> Regulation amended; effective Feb. 1, 1919. (32-G) <sup>b</sup> Instructions added; effective Feb 15, 1919.



#### **Ranch Property Must Be Owned.**

A person can not qualify as a permittee through the leasing of land or ranch property. Only actual owners of ranch property used in connection with the permitted stock will be recognized as qualified to share in the use of the Forest ranges, except on the basis of prior use.

#### **Residence.**

Residence is simply an index in determining the degree of dependence. A person residing at a distance from a National Forest must have other ranges open to him and can not be considered so dependent upon Forest range as one residing near by.

#### **a Nonuse of Range.**

At the discretion of the district forester applications from persons with established grazing preferences may be disapproved and the preference revoked for failure to apply for renewal of permit during the previous grazing year, unless a statement giving satisfactory reasons was filed with the supervisor before the opening of the grazing season of the previous year so that, if desirable, the supervisor could have made temporary disposition of the range thus vacated.

Permittees who receive permits and fail to make use of the range allotted to them and who do not notify the supervisor of such nonuse before the expiration of the grazing season for which the permit was issued, may have their grazing privileges reduced or be denied renewal of permit and have their grazing preference revoked for such nonuse, at the discretion of the district forester.

It shall be the duty of each supervisor to notify all permittees of the previous year who fail to apply for a renewal of their permit of the requirements of these instructions.

Nonuse of a range by a new applicant will cause him to forfeit all preference which has been allowed him, unless such nonuse was caused by circumstances over which he had no control.

Except as above specified nonuse of range by all or any portion of the permitted number of stock will result in a reduction or revocation of the established grazing preference held by any permittee.

In order to allow a reasonable margin in such matters the grazing of 5 per cent less than the permitted number of sheep, goats, or swine, or 10 per cent less than the permitted number of cattle and horses will not be cause for reductions. If, however, the nonuse covers more than these percentages the total number not grazed will be used as a basis for the reduction. (See also p. 36, "State or Federal employees.")

#### **Status Determined by Holdings.**

An applicant's status is determined by the total number of all classes of stock owned by him. He can not be a class A cattle owner and a class B sheep owner. If he owns either class of stock in excess of the protective limit for that class he is a class B owner, or if he owns a per cent of the cattle protective limit and also a per cent of the sheep protective limit, which combined exceed 100 per cent, he is in class B. For example, the protective limit being 100 head for cattle and 1,200 head for sheep, if he owned 50 head of cattle and 500 head of sheep (92 per cent) he would be in class A, but if he owned 75 head of cattle and 750 head of sheep (137 per cent), he would be in class B. An applicant owning sheep and cattle may, however, be in both class B and class C.

#### **New Settlers, Classification of.**

New settlers upon unimproved Government or patented lands will not be regarded as having gained a permanent preference until they have demonstrated the good faith of their settlement by three years of residence, improvement, and cultivation, and by compliance with the United States land laws, or satisfaction of contract agreements. They may, however, be granted the same preference in the use of the range that is granted to bona fide class A applicants, provided that the grazing privileges granted will be temporary in character during the three-year period, and will not be in excess of the settler's actual needs or so large that they will appear to be the principal object in filing upon or purchasing the land. (See "Permits to new settlers," p. 51.)

#### **b New Applicants, Class B.**

Applications from new class B owners will be approved only under the following conditions:

Upon the basis of the purchase of the stock and ranches of permittees holding regular grazing permits; upon the basis of the purchase of only the stock when the applicant owns commensurate ranch property; for temporary permits on Forests where there is surplus range and the issuance of such temporary permits will not entail reductions on holders of established grazing preferences or debar class A applicants.

#### Cooperative Association.

A cooperative association is an organization formed for purposes of economical management of stock upon the range, wherein the stock of the different owners are run together under joint management, although each member retains absolute personal title and right of possession to the stock grazed in his name, enjoys actual personal use of the range to the full extent of his permit, and acknowledges personal responsibility for the proper management of his stock within the Forest. Each member of such a cooperative association must make individual application for the number of stock for which he desires permit. The approval of the application will be based upon the individual qualifications of the applicant. In no case will the total number of stock grazed under permit by all members of a cooperative association be allowed to exceed the established maximum limit.

#### Use of Common Brand or Mark.

The use of a common mark or brand and the distribution of profits, losses, and running expenses on a pro rata basis will not be considered objectionable if conclusive proof is submitted to show that no part of the benefits derived from grazing each specific number of stock upon the National Forest range is to be shared by others than the permittee.

#### Firm, Partnership, or Copartnership.

An association of two or more persons who join together their money, labor, or goods for the purpose of carrying on a business enterprise with intent to divide profits and losses in proportion to the capital, labor, or stock contributed, each member of the firm holding a joint interest in the property of the firm and being jointly responsible for any liability or indebtedness, will be considered a partnership.

*never not to be allowed, but*

<sup>a</sup> A firm or copartnership must be in either class B or class C, for it can not be in class A. It can establish a grazing preference in three ways. By use and occupancy of the lands included within the Forest prior to its creation; by the purchase of the stock or ranches, or both, of a permittee under conditions justifying a renewal of the permit; or, on Forests not fully stocked, by joint ownership of commensurate, dependent, improved ranch property, or individual ownership of such ranch property commensurate with each member's interest in the permitted stock, and three years' successive use of range under temporary permits. (See p. 42, "Division of outfits.")

#### Corporation.

A corporation is an artificial being, existing only in contemplation of law, and possessed only of those powers and functions which the charter of its creation confers upon it, either expressly, or as necessarily incidental to its existence. Title to all corporate property is vested in the corporation, shareholders having only an undivided interest in the business and assets of the corporation, represented by transferable shares of stock, and usually being exempted from personal liability for the debts or obligations of the corporation.

A corporation can not be given the same consideration as an individual owner; it must be in class B or C. Between two corporations, one composed of local residents and the other of nonresidents, preference will be given the local corporation. In no case will the individuality of the members of a corporation be considered in competition with independent individual owners. (See Reg. G-17.)

#### Partnerships or Corporation as New Applicants.

Grazing permits will not be issued to new firms or corporations when the members or stockholders of either such firms or corporations hold permits to graze numbers of stock which combined exceed the maximum limit established for the Forest. The consolidation of permits will not be allowed when the combined number of stock is more than the maximum limit.

#### Membership in Firms or Corporations.

In order to prevent monopoly, the total number of stock permitted to a firm or corporation is charged to every member thereof. This principle will apply to any new firms or corporations applying for grazing privileges which includes in their membership any members of a firm or corporation, or any other persons, who already hold grazing permits.

#### <sup>b</sup> List of Stockholders.

When necessary to determine the status of a corporation holding permit, the supervisor may request such corporation to furnish a certified list of its stockholders or a list of the stockholders of any corporation holding shares of its stock. This list must give the names of all stockholders and the amount of stock held or owned by each. When such information has been requested by the supervisor, renewal of permit will be withheld until a satisfactory list of the stockholders has been furnished. (See page 29-G, "Certified statements.")

<sup>a</sup> Paragraph modified; effective April 15, 1919. (34-G) <sup>b</sup> Instructions added; effective July 1, 1918.



#### **Married Women, When Recognized as Class A New Applicants.**

One of the principal purposes in regulating the acquirement of grazing privileges on the National Forests is to make the use of the range contribute to the development and support of the greatest number of home units. For this reason a married woman will only be considered as entitled to grazing privileges when she is in some way debarred from sharing in the grazing privilege enjoyed by her husband, owns and resides upon an improved ranch separate and apart from that of the husband, and is entirely dependent upon her own resources for a livelihood and the maintenance of her home. The technical division of the home, ranch property, or live stock owned by a man and wife will not qualify the latter as a class A new applicant.

#### **Married Women, General Status As Applicants.**

If the State laws give a married woman the right of independent ownership of real estate and live stock, or if she is qualified under the State laws to make contracts and engage in business in the same manner that a single woman may do, and she personally possesses the other qualifications requisite to a share in the use of the Forest ranges, she may be recognized as a class B new applicant or as the purchaser of permitted stock, and as such may be granted a permit to graze upon the Forest the live stock of which she is the actual legal owner, provided that the total numbers of stock grazed under permit by both the woman and her husband do not, when combined, exceed the maximum limit established for the Forest.

#### **Unmarried Women.**

An unmarried woman of legal age is entitled to full consideration as a new applicant if she desires to take out a grazing permit.

#### **\* Minors.**

A minor not less than 16 years of age who is the head of a family and its principal means of support or who is using and occupying range at the time it is included within a National Forest will have exactly the same status as an applicant of legal age, no preference being gained or lost by the fact of minority. With these exceptions, applicants of legal age will be given preference over similarly qualified applicants who are not of age.

Minors not less than 16 years of age who are under the control of parents or guardians may be recognized as new applicants upon Forests which are not fully stocked where the recognition of the minor will not entail the denial of permit to a qualified applicant of legal age. They may also be recognized as purchasers of permitted stock and granted permits in accordance with the restrictions of Regulation G-18. In neither case will a permit be issued for a number of stock which, when combined with the number grazed under permit by the minor's parent or guardian, will exceed the maximum limit established for the Forest.

#### **Estates.**

Pending the division of an estate, a full renewal of the permit held by the deceased should be allowed in the name of the estate and the duly appointed administrator.

#### **Estate Not Property of Heirs.**

An estate that has not been divided by court decree will not be considered as belonging to the heirs or devisees, even though the property may have been specially apportioned by will or by agreement between the interested parties. Pending division, the grazing privileges enjoyed by the respective heirs will not alter the status of the privilege held by the estate, nor will that privilege alter the status of the heirs until divided.

#### **Heirs to Owners of Permitted Stock.**

As a general rule an heir or devisee should be considered as in the same class with one who has purchased stock grazed under permit. Upon the issue of a court decree dividing the estate the privileges allowed the estate will be granted the beneficiaries under the rule governing the renewal of permits on account of purchase, except that the permit for that portion of the stock allotted by the court decree to the widow or minor heirs will not be subject to the reduction made in the renewal of permits to purchasers. (See p. 42, "Renewal to estates.")

#### **Lessees and Herders.**

A person leasing stock or running it on shares or herding it for the permittee is regarded as an employee only, and he can not be allowed any preference in the use of the range by virtue of the fact that he has run the stock under lease or on shares or has handled it for the owner. The status of the owner determines all preferences allowed in the issuance of grazing permits.

#### **State or Federal Employees.**

Permittees employed by the State or Federal Government, who wish to discontinue the use of the range without losing their preferences, may do so by filing a statement of their employment and probable duration, the disposition made of their stock, and authorizing the supervisor to dispose of their range privileges. Upon the expiration of their term of service their preference in the allotment of permits may be restored to them, subject to any reductions or restrictions made during their absence or effective at the date of their reapplication.

#### **Forest Officers.**

Forest officers not employed during the entire year may share in the use of National Forest ranges if otherwise qualified as permittees, but action upon their applications must be in accordance with the "Rules of conduct," Administration section, National Forest Manual.

#### **Persons Under Indictment.**

No properly qualified applicant will be denied a grazing permit solely on the grounds that he has been charged with or indicted for trespass upon National Forest land or timber or land fraud against the Government, except when the applicant has taken advantage of legal technicalities to evade satisfaction of a judgment rendered in favor of the Government, or when the denial of the permit is requested by the Attorney General or his assistants, the Solicitor or his assistants, or another department or bureau of the Government. Cases of trespass or fraud will ordinarily be handled on their merits as separate and independent transactions, no effort being made to force settlement through the forfeiture or denial of grazing privileges. When necessary to protect the interests of the Government, the person charged with or indicted for trespass or fraud against the Government may be required to furnish a bond to insure future compliance with the regulations before permit will be issued, the bond to be in a sum determined by the forest supervisor and approved by the district forester.

#### **Reputation of Applicant.**

Persons will not be denied grazing privileges because of their reputation or moral or social standing in the community, if possessed of the qualifications prescribed by the regulations. The determination of guilt or innocence and the imposition of penalties should be left to the properly constituted courts.

#### **Temporary Use of Range.**

The provisions of Regulation G-14 and the instructions issued thereunder apply primarily to National Forests which are or soon will be fully occupied by the stock of permittees in classes A and B. In Forests where the supply of forage is in excess of the requirements of permittees in classes A and B, temporary permits may be issued to applicants who do not possess any or all of the qualifications prescribed, or to qualified permittees who are already grazing numbers of stock representing their fair share in the permanent use of the forest range. Before issuing temporary permits the supervisor should ascertain that the surplus forage can not best be utilized by a better distribution of the permitted stock and assure himself that applicants of classes A and B will not be excluded or deprived of increases in permit number.

<sup>a</sup> In cases where class B permittees with established grazing preferences are grazing stock up to or above the maximum limits for a Forest and are also securing additional grazing privileges under temporary permits, the supervisor may refuse to renew such temporary permits, and, in order to secure wider distribution of the grazing privileges, may approve applications from properly qualified new class B applicants to occupy the vacated range under the provisions of Regulation G-14.

Permits allowing the temporary use of any unallotted range within a Forest should stipulate that no grazing preference is given, and that renewal of the permit may not be allowed during the following year, and the words "temporary permit not renewable" should be written or stamped across the face of the permit in red ink. (See also "Method of approval," p. 30.)

<sup>a</sup> Paragraph modified; effective Apr. 1, 1921. (36-G)



#### When Temporary Permits Become Permanent.

<sup>a</sup> Within the discretion of the district forester temporary permits for the use of surplus range which are renewed for three successive years may become permanent and subject to renewal under the same conditions as other permits based upon prior use and occupancy of the range, provided the permittee is the owner of improved ranch property commensurate with the total number of permitted stock and which will be used in connection with his business. This will not apply to any temporary permits issued previous to the date on which these regulations take effect.

The use by a temporary permittee of the range allotment of a regular permittee during his absence will not entitle the temporary permittee to the privilege of renewal. Surplus range is range in excess of that needed to provide for all permittees having established grazing preferences. (See also "Preferences gained under temporary permit," p. 39.)

### PREFERENCES.

REG. G.-15. Citizens of the United States will be given preference in the use of the National Forests, but persons who are not citizens may be allowed grazing permits provided they are bona fide residents and owners of improved ranch property either within or adjacent to a National Forest.

<sup>b</sup> A corporation will not be given citizenship preference in the use of National Forest ranges unless 80 per cent of its capital stock is owned by persons who are citizens.

Regular occupants of the range who own and reside upon improved ranch property in or near National Forests will be given first consideration, but will be limited to a number which will not exclude regular occupants who reside or whose stock are wintered at a greater distance from the National Forests. With this provision applicants for grazing permits will be given preference in the following order:

<sup>c</sup> Class A: Persons owning and residing upon improved ranch property who are dependent upon the National Forest for range and who do not own more than the established protective limit number of stock.

<sup>c</sup> Class B: Regular users of National Forest range who do not own improved ranch property; and persons owning such ranch property who own numbers of stock in excess of the established protective limits.

<sup>c</sup> Class C: Persons who are not regular users of National Forest range and who do not own improved ranch property. Class C applicants will be granted temporary permits only and upon Forests which are not fully occupied by permittees of classes A and B.

<sup>c</sup> Persons who have not regularly used the range within newly created National Forests during preceding years will not be allowed to place stock upon it for the purpose of establishing a grazing priority, unless they are bona fide settlers who are entitled to share in the use of the range as class A applicants or there is unused range.

Unless there is surplus range available permittees of classes B and C will not be allowed to increase the number of stock grazed under permit except by the purchase of other permitted stock under circumstances which warrant a renewal of the permit held by the original owner.

### INSTRUCTIONS AND PROCEDURE.

#### No Legal Rights.

No one can acquire a right to the use of National Forest range, but he may acquire a preference in the allotment of grazing privileges. This preference does not entitle him to continued use of a certain part of a Forest, but only to a preference over other applicants less entitled to consideration in the use of the ranges open to the class of stock which he wishes to graze. From their very nature these preferences possess relative degrees of superiority and consequently have a number of gradations.

#### <sup>d</sup> Aliens.

New applicants who are not full citizens of the United States, in conformity with the naturalization laws of the United States may be allowed to share in the use of National Forest ranges provided they meet all requirements of ownership of commensurate ranch property and stock and other qualifications imposed upon citizens of the United States.

<sup>a</sup> Paragraph modified; effective Feb. 15, 1919. (37-G)

<sup>c</sup> Paragraph amended; effective Jan. 1, 1917.

<sup>b</sup> Paragraph added; effective Feb. 1, 1921.

<sup>d</sup> Instructions modified; effective Apr. 1, 1921.

Permits issued to such alien applicants shall be temporary, and the provisions of Regulation G-14 concerning three years' use under temporary permits shall not apply.

No properly qualified citizen of the United States will be denied a permit or subjected to a reduction in permit number to provide range for an applicant who is not a citizen of the United States.

#### **\* Definition of an Alien.**

For the purpose of establishing the status of an alien it shall be understood that all foreign-born persons who have not yet completed their citizenship by securing their final or second papers of citizenship shall be considered as aliens within the meaning of these instructions.

#### **Value of Preferences.**

Certain grazers may be given preferences in ranges secured by prior use and occupancy, supplemented in many cases by heavy investments in improved property and water rights. These preferences have a distinct value, and failure to recognize them would mean a financial loss by reducing the number of stock which may be grazed and by the depreciation in the value of lands and improvements. Two conditions only justify such action—when necessary to stop damage to the Forest and when necessary to promote the settlement and cultivation of farming lands tributary to the Forest through a wider distribution of the grazing privilege. It is incumbent on the Service to allot limited privileges to actual settlers in order to accomplish this latter purpose, but a promiscuous division of grazing privileges among a number of owners who are neither new settlers nor dependent upon the range is unwarranted. <sup>b</sup> New applicants having class B qualifications will be granted permits only when the Forest is not fully stocked; no reductions in the permits of other users will be necessary to accommodate them.

#### **New Forests or Additions.**

During the first season after the creation of a new Forest or addition grazing privileges will be allotted on the basis of prior use and occupancy. Bona fide class A settlers may be recognized as new owners, but with this exception permits will be restricted to those stock growers who submit proof of previous use and occupancy during two or more years. No permit should be granted for a number of stock larger than the average number grazed by the applicant during the two years preceding the establishment of the Forest, unless the applicant, as a class A settler, is reasonably entitled to increase toward the protective limit. After the first season the apportionment of grazing privileges will be strictly in accordance with the following rules of preference:

#### **How Preferences are Gained.**

Preference may be secured in the following ways:

- (a) By prior use and occupancy of lands included within a National Forest.
- (b) By local residence, ownership of improved ranch property, and dependence upon the range for a livelihood. (See instructions under "Permits to new owners," p. 50.)
- (c) By the renewal of a permit formerly held by a copartnership or corporation to each individual member for a number of stock equal to his share in the original permit. (See instructions under "Renewal of permits," p. 41.)
- (d) By the purchase of a permittee's stock or ranches, or both, under circumstances justifying a renewal. (See instructions under "Permits to purchasers of permitted stock," p. 46.)
- (e) By inheritance of a permittee's stock or ranches, or both, under circumstances justifying a renewal of the permit. (See instructions under "Permits to purchasers of permitted stock," p. 46.)
- (f) By regular use of Forest range under temporary permit for three consecutive years, and ownership of improved ranch property commensurate with total number of stock grazed.

For convenience in recording basis of recognition on card Form 621 and for reference in correspondence preference will be arranged in three classes:

- (1) Prior use.
- (2) Grantees.
- (3) Purchasers.

\* Instructions added; effective Apr. 1, 1921. (38-G) <sup>b</sup> Sentence modified; effective Apr. 1, 1921. April 1, 1921.



**Prior Use.**

The regular use of a range during its open season for several successive years, before creation of a Forest, and under continued grazing permit thereafter, is what is meant by "prior use" or "regular occupancy." So far as is consistent with other conditions, preference will be given to those who have continuously used the range for the longest period.

**Grantees.**

Grantees are those permittees who have been recognized as new applicants since the creation of the Forest and whose preference in the use of the range was secured by grant from the Government rather than on the basis of prior use or the purchase of permitted stock.

**Purchasers.**

Purchasers are those permittees who have purchase a permittee's stock or ranches, or both, or have secured stock and ranches through inheritance, in accordance with the instructions on page 47.

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**Order of Preference.** (See also "Status determined by holdings," p. 33).

Applicants for grazing permits will be given preference in the following order:

*<sup>a</sup> Class A. Small owners.*—A class A owner is one who does not own more than the protective limit number of stock established for the Forest or division, who owns and actually resides upon an improved ranch, and who is dependent upon the use of the National Forest range in connection with his ranch property. Until the protective limit is defined it is within the discretion of the supervisor to determine whether an applicant is a large or small owner. A firm or corporation can not be considered as a class A applicant, but may be allowed exemption from reduction below the protective limit.

*<sup>b</sup> Class B.*—Class B includes owners of improved ranch property and stock in excess of the protective limit; owners of stock either above or below the protective limit who do not own improved ranch property but who have established permanent preferences through prior and regular use, and all copartnerships, companies, and corporations either above or below the protective limit. Upon Forests which are fully stocked all permittees in this class must secure their permits on the basis of prior use and occupancy or the purchase of the stock and ranches of persons holding permits. Upon Forests not fully stocked they may also secure temporary permits.

There may be several grades of class B applicants. One who owns a large amount of improved ranch property, or one who resides in the vicinity of the Forest, or who has used the range during a long period of years, or who feeds his stock during the winter, may be given preference over one who does not own improved ranch property adjacent to the Forest, or who resides at a distance from the Forest, or who has only used the range a few years, or who winters his stock on the range. Class B permittees are subject to sliding-scale reductions, although usually such reductions are not applied to permits for less than the protective limit.

*Class C. Owners of transient stock.*—Class C embraces all grazing applicants not falling within classes A and B. A speculator who buys stock and places it upon the range at intervals or the nomadic stockman with no fixed range who trails his stock to widely separated ranges would be class C owners. Class C permittees will be entirely excluded from the Forest before any reduction is made upon class B permittees.

**Dependence Upon Range.**

*<sup>c</sup>* Dependence upon the use of National Forest ranges will be determined by the actual economic needs of the applicant for grazing a certain number of live stock in order to utilize the products of his land which could not otherwise be economically marketed.

*<sup>d</sup>* Within such reasonable limits as may be established by the district forester, the owners of land of such character and so located that its profitable use is dependent upon the production of forage crops which can be marketed only by feeding live stock will be given a preference in grazing privileges over the owners of land which can be used profitably for the production of crops which can be marketed in other ways.

**Preference to Citizens of State.**

If all other conditions are equal, new applicants who reside within the State in which a Forest is located will be given a preference over applicants who reside in adjoining States.

<sup>a</sup> Paragraph modified; effective Jan. 1, 1917. (38-G<sup>1</sup>)

<sup>b</sup> Paragraph modified; effective Feb. 15, 1919.

<sup>c</sup> Paragraph added; effective Jan. 1, 1917.

<sup>d</sup> Paragraph added; effective Feb 15, 1919.





#### **Retention of Preferences.**

Grazing preferences can only be retained by a continual use of a range. Permittees who apply to graze a reduced number of stock can not expect range to be reserved for them for a higher number later on. In the case of a voluntary reduction other applications may be approved for the number by which the first permit was reduced. The preference thus gained will not be surrendered because the first permittee applies a year or two later to graze the original number of stock. (See Reg. G-20, p. 52, "Revocation.")

#### **Waiver of Preference.**

A person who has signed a waiver of grazing privileges will not be recognized as a new applicant or be granted an increase in permit number, except on account of purchase, until after three years from the date of waiver, unless there is surplus range. He may secure at any time a renewal of permit as a purchaser of permitted stock. (See instructions "Permits to purchasers of permitted stock," p. 46, and Reg. G-19, p. 49.)

#### **Preferences Gained Under Temporary Permits.**

When the temporary permit covers different numbers of stock during different years, a grazing preference will be allowed only for the smallest number of stock grazed during any one of the three years, but temporary permits may again be issued for the use of the surplus range.

All preferences gained through use of the range under temporary permit will be subject to the established maximum limits, and no such permit will be issued to a permittee above the maximum limits, except with the distinct understanding that it is temporary and not renewable. (See also "When temporary permits become permanent," p. 36.)

#### **Foreclosure of Mortgage.**

If a mortgage on stock is foreclosed, the permittee does not lose his preference in a permit for the following season, and unless he has returned his permit to the supervisor and consented to the issuance of a permit to the mortgagee as a purchaser for the remainder of the grazing period, he may replace the stock. The person foreclosing the mortgage may be allowed, with the consent of the permittee, to continue grazing the stock during the remainder of the current grazing period under the same conditions as a purchaser, but secures no privileges of renewal unless the owner of the stock signs a waiver of his renewal preferences. (Also see "Permits to purchasers of permitted stock," p. 46.)

The foreclosure of a mortgage covering both stock and ranch will not cause a permittee to lose the preference allowed him in use of the range if he replaces the stock and secures another ranch equally dependent upon the range.

#### **Transfer to Another Forest.**

A grazing preference can be transferred from one Forest to another only when the first Forest is overstocked and the second Forest is understocked and the transfer will be generally beneficial. In this event a transfer may be allowed if both supervisors approve.

### **PROTECTIVE AND MAXIMUM LIMITS.**

REG. G-16. When necessary to secure an equitable distribution of grazing privileges, the district forester will establish protective limits covering the number of stock for which the permits of small class A owners will be exempt from reduction in their renewal. It will be within the discretion of the district forester to establish general protective limits applicable to the entire Forest or special protective limits for each grazing district, such limits to be based upon the character and intensity of the demand for grazing privileges within each district. <sup>a</sup>Permits for numbers of stock in excess of the protective limits will be subject to necessary sliding scale or other reductions and will not be subject to increase in number except through purchase of stock and ranches of other permittees, or through three years' use of temporary permits. (See Regs. G-14 and G-18.)

When necessary to prevent monopoly of the range the district forester will establish maximum limits in the number of stock for which a permit will be issued to any one person, firm, or corporation. <sup>b</sup>Unless otherwise authorized by the district forester, such maximum limits, when established, will apply with equal force and effect to permits covering live stock, the possession of which may be transferred to any person, firm, or corporation under a lease, option, or a contract to purchase, or other form of agreement, and no such person, firm, or corporation shall be allowed

<sup>a</sup> Sentence amended; effective Jan. 1, 1917.

<sup>b</sup> Sentence added; effective July 1, 1917.

to graze upon the Forest a number of permitted stock in excess of the established maximum limit. The maximum limit may, in the discretion of the district forester, be made applicable to a portion of a Forest, to an entire Forest, or to a group of contiguous Forests. Permits for numbers of stock in excess of the maximum limits will be issued only to persons who, during the preceding year, held permits to graze numbers of stock equal to or greater than that for which application is made. The district forester may suspend the maximum limit in special cases.

## INSTRUCTIONS AND PROCEDURE.

### Protective Limits, General Purpose.

Protective limits are established to protect permittees from reductions in the number of stock which they are allowed to graze under permit to a point where it is too small to be handled at a profit or to contribute its proper share toward the maintenance of a home. The average number of stock which a settler must graze in order to utilize the products of his farm or derive a reasonable profit will be determined upon each Forest or, if necessary, upon each grazing district thereof, and will serve as the basis for the protective limit.

### How to Determine Proper Protective Limit Number.

In arriving at this average number the dependence of settlers upon National Forest ranges will be considered. Where stock growing is the only pursuit in a region, the number of stock guaranteed a settler must be sufficient to support his family. In an agricultural region where the product of the farms is fed to stock, the number should be sufficient to consume the forage produced by the average farm. However, in determining the proper protective limit number the conditions actually existing in the locality will be given consideration in preference to theoretical computations of operating expenses, investments, and profits. In a locality where the permittees maintain their homes in normal circumstances with an average holding of 60 cattle, it is unreasonable to state that 200 cattle is the least number that can be handled at a profit. A protective limit materially in excess of the average number per permit means that the primary purposes of the limit must be disregarded if the Forest is not to be overstocked or many of the permittees excluded. (See Reg. G-19, p. 49.)

### Variation in Protective Limits.

Protective limits have been established for various Forests, running from 25 to 300 head for cattle and horses, and from 500 to 2,000 head for sheep and goats. The limit on sheep is proportionately higher than on cattle, because as a general rule the cost of handling is increased by requiring a man to run less than one full band. With cattle or horses, which can be turned loose upon the range, a proportionately smaller number of animals can be run with profit. Under ordinary conditions the average number of stock per permit may be the basis for the protective limit of the Forest.

### Establishment of Protective Limits.

When in the judgment of the district forester it becomes necessary for the protection of class A owners, he will establish protective limits for each kind of stock and renewals of all permits within such limits will be made without reduction. It will be within the discretion of the district forester to establish limits uniformly applicable to the entire Forest or special limits for each grazing district of the Forest. A holder of a permit for one class of stock may secure a permit for another class, providing the number holds the inverse ratio to the protective limits. For example: A holder of a cattle permit for 75 head on a Forest where the protective limit is 100 head may also be allowed a permit to graze 300 sheep if the protective limit on sheep is 1,200 head.

### Maximum Limits, General Purpose.

When necessary to prevent monopoly in the use of the range through the purchase of permitted stock and ranches or to effect a wider distribution of grazing privileges, the district forester will establish a maximum limit upon the number of stock allowed any one applicant, such limit to be effective within a part of a Forest, an entire Forest, or a group of contiguous Forests, as decided by the district forester. No permittee will be allowed to increase his grazing preference above the limit. When necessary, reductions in permits for more than the maximum limit will be made in accordance with the sliding scale.

a Renewals of old permits in excess of the maximum limit may be allowed, but the purchase of stock and ranches will not entitle the purchaser to a renewal of permit in excess of it unless the district forester authorizes a suspension of the maximum limit restrictions.

\* Paragraph modified; effective July 1, 1918. (40-G)



<sup>a</sup> Established maximum limits will apply to persons in possession of permitted stock under a contract to purchase, lease, or any other form of agreement giving exclusive possession and control of the permitted stock. In such cases permits should be refused to the actual owners of the stock unless the renewal or continuance of the privilege is specifically authorized by the district forester.

#### Relation to Protective Limit.

Ordinarily the maximum limit will be from four to eight times the protective limit. Upon a Forest where the average number per permit is high the maximum limit should be correspondingly high. A safe rule is to set a limit which is not less than double the protective limit and not more than the highest permit.

The maximum limit does not apply to permits issued on account of private lands or to permits issued under a cooperative agreement with a State, corporation, or other large owner of land.

## RENEWAL OF PERMITS.

**REG. G-17.** Grazing permits will be renewed only when the grazing of the class of stock involved is authorized by the Secretary of Agriculture. A permit may be divided in its renewal because of division of stock and ranches between two or more owners or purchasers. Permits for numbers of stock in excess of the established protective limits will be subject to reduction in their renewal, and no division or sale of stock and ranches will exempt such permits from reduction.

<sup>b</sup> A permit issued to a corporation will be subject to reduction if, at any time subsequent to securing its first grazing privilege on the Forest, a majority of the shares of stock are held by stockholders other than those holding them when such privilege was granted.

<sup>c</sup> In renewing a permit to a corporation, a reduction will be made of the number of stock by which the combined permits exceed the maximum limit, if subsequently to the issuance of its last permit more than 20 per cent of its capital stock has been transferred to or purchased by any person, persons, firm, company, association or corporation holding one or more permits, or interested therein in any manner, as through ownership of shares of stock in any company, association or corporation holding such permit or permits for a number of stock which, combined with the number applied for, will exceed the maximum limit.

<sup>d</sup> At the discretion of the Forester, renewal of permit may be refused when the permittee has willfully violated the terms of either his application or permit. (See Reg. G-14.)

<sup>e</sup> The Forester may authorize the insertion in permits of stipulations, special rules, or other requirements which may be deemed necessary and proper for the protection or administration of the Forests.

## INSTRUCTIONS AND PROCEDURE.

#### <sup>a</sup> Renewal May Be Refused.

In cases of persistent and continued violation of the rules, regulations, and instructions, renewal of a permit may be refused. This action should be taken at the time the application is before the supervisor, who may then disapprove the application in accordance with the instructions under subhead "Method of disapproval." Reg. G-13, page 31.

#### Change of Residence.

A permittee with an established preference may change his residence to a point more remote from the Forest without disqualifying for a renewal of permit, provided he retains his other interests.

#### Disregard of Winter-Feeding Clause.

A permit issued upon condition that the stock will be fed during the winter upon the products of the permittee's ranch will not be renewed if the stock were not so fed during the winter preceding the season for which permit is desired.

#### Sale of Ranch.

A permittee having a grazing preference based on ranch property located in or adjacent to the National Forest may dispose of such ranch property, but unless he secures similarly located ranch property there is no justification for the renewal of his grazing privilege and his application will not be approved for the following year.

An owner who originally acquired his permit by reason of use and occupancy of the range prior to the creation of the Forest, may dispose of his ranch property, but his status as a permittee will be changed and the renewal of his permit will be based upon his new classification.

<sup>a</sup> Paragraph modified; effective July 1, 1918

<sup>b</sup> Paragraph added; effective Jan. 1, 1917.

<sup>c</sup> Paragraph amended; effective Apr. 1, 1919.

(41-G) <sup>d</sup> Paragraph added; effective July 1, 1918.

<sup>e</sup> Instructions added; effective Jan. 1, 1917.

#### Change in Class of Stock.

A renewal of permit may be allowed for a class of stock different from that previously grazed. It may require relinquishment of one range and acceptance of another on some other part of the Forest. The ratio of exchange will depend on the demand and the capacity of the ranges in question. A permittee grazing cattle upon a heavily stocked range in strong demand may be allowed to graze sheep on the same range on a ratio of 4 to 1. If they are to be grazed on a heavily stocked sheep range, the ratio should be 4 to 1. If on sheep range, but not heavily stocked, the ratio should be not more than 5 to 1. If on sheep range where there is surplus range available, the ratio may be as high as 6 to 1.

#### Temporary Extension Permits.

In the extension of permits for the summer season to cover a longer period, temporary permits for the number of stock which have reached the age of 6 months, in excess of the number covered by the permit for the summer season, may be issued whenever this will not result in injury to the Forest.

Any increase in the number of stock allowed under such an extension is temporary, and the applicant's preference for the following year will be based on his original permit.

#### Partnership Agreement.

A permittee having an established preference may enter into partnership agreement with another person not a permittee and secure a renewal of his permit in the name of the partnership, the proportionate interest transferred being subject to the rules governing the renewal of permits to purchasers, provided that a share in both the stock and ranch property is transferred. <sup>a</sup> If the purchaser already owns commensurate dependent ranch property, a share of the stock only may be transferred. (See p. 34, "Firm, partnership, or copartnership," 2d paragraph.)

#### <sup>b</sup> Division of Outfits.

The stockholders of a corporation or the individual members of a partnership which has been dissolved may be allowed a renewal of permit under the rules governing renewals of permits to purchasers. (Reg. G-18.)

In each case, however, in addition to the required reductions under renewals to purchasers, any reductions in the total number of stock grazed the previous year which would have been made on the original permit, will be made, each renewed permit bearing its pro rata share of such reduction.

Partnership may consist of (1) joint ownership of stock and commensurate ranch property; or (2) joint ownership of stock and individual ownership of ranch property commensurate with each member's interest in the permitted stock. The renewal to each member will depend upon the division that is made. Signed agreements showing this division may be required by the supervisor. (See p. 34, "Firm, partnership, or copartnership," 2d paragraph.)

A renewal on the division of stock and ranches may give a member preference in the range for a certain number of stock, but it does not define his status or whether he is in class A, B, or C.

#### Renewal to Estates.

<sup>c</sup> In case of the death of a qualified permittee a full renewal of permit will be granted in the name of the estate and the duly appointed administrator until the estate is divided and distributed among the heirs by court decree, or the heirs have reached an amicable settlement of the estate without resorting to court action. Renewal of permit to the heirs will be in accordance with the instructions governing the issuance of permits to purchasers of permitted stock. (See p. 35, "Heirs to owners of permitted stock.")

<sup>d</sup> In the event, however, that at the expiration of three years from the death of the permittee an estate shall not have been divided either by court decree or through amicable settlement, then the forest supervisor when issuing the permit for the following grazing season shall make the reduction upon the total number of permitted stock owned by the estate in accordance with the provisions of Regulation G-18. When this has been done and the estate is later divided the reductions contemplated by the paragraph on page 35-G, "Heirs to owners of permitted stock," shall be omitted.

#### Renewals to New Settlers.

After new settlers have used the range for the required three years they will be classed as regular users. The renewal of their permits thereafter will be contingent, however, upon compliance with conditions and restrictions imposed when the original applications were approved.

<sup>a</sup> Sentence added: effective Apr. 15, 1919.

(42-G) <sup>c</sup> Sentence modified: effective Jan. 1, 1917.

<sup>b</sup> Instructions modified; effective Apr. 15, 1919.

<sup>d</sup> Paragraph modified; effective Feb. 15, 1919.



**<sup>a</sup>Renewal of Five-year Permits.**

At the expiration of the five-year period, five-year permits will be renewed subject to such reductions as may be necessary to grant increases in class A permits to the protective limit or to approve applications from properly qualified new class A applicants, in addition to any other reductions which may be necessary to stop damage to the forest.

**INCREASES AND REDUCTIONS.**

**Increases Above Protective Limit.**

Increases above the protective limit will be allowed only to purchasers of stock and ranches of permit holders or upon the basis of three successive years' use of the range under temporary permit. Any such increase will not exceed the maximum limit.

**<sup>b</sup>Increases to Class A Permittees.**

Class A permittees owning a less number of stock than the protective limit will be allowed to increase their number gradually, but may be restricted in the number added each year. Old class A users may increase at once to the number allowed new applicants. Beyond this number increases will be by fixed percentages established by grades. On fully stocked Forests the total increase allowed combined with the total number allotted new settlers will be determined by the provisions of Regulation G-19 and the instructions thereunder. The supervisor will determine the division of the allotment which will be made between new settlers and persons whose permits are below the protective limit.

**Increases to Class B Permittees.**

Upon a full-stocked Forest increases to class B permittees will be limited to those based upon the acquisition of permitted stock, but when there is surplus range within a Forest in excess of that applied for by class A owners, and such action will not require a reduction in any permanent permit, increases may be allowed class B permittees up to the established protective limit number.

**Increases to Permittees on Feeding Basis.**

Where permits are issued on a feeding basis, increases will not be granted or permits issued for a greater number of stock than the products of the applicant's land will support during the winter season.

**<sup>c</sup>Increase in Five-Year Permits.**

Class A five-year permittees grazing less than the protective limit number of stock may file amended five-year applications, covering an increased number of stock. If the increase is approved by the supervisor an amended permit will be issued for the remainder of the five-year period covering the number to be grazed and the original five-year permit will be canceled.

**Reductions.**

<sup>d</sup> Where reductions are necessary, each grazing district will be considered as a unit, and the permittees occupying it will be required to meet any reductions necessary to prevent damage to the range or to provide range for new applicants entitled to graze within the district. When, owing to topographic features, it is impossible to assemble reductions in permits upon an entire grazing district, each natural grazing division may be considered as a unit. Reductions will be based upon the number of stock grazed under permit the previous year. When there is unused range on other districts within the Forest, permittees who desire to transfer a part or all of their permitted stock to such range will be given a preference in its use.

**Individual Reductions.**

When injury to a Forest or range is being caused by circumstances entirely within the control of the permittee, his permit will be reduced until the damage is stopped.

**Exclusion of Class C**

Whenever it is found necessary to reduce the number of stock allowed in any Forest or grazing district, class C stock will be excluded before the other classes are reduced.

**Reductions in Different Classes of Stock.**

<sup>e</sup> When an equitable division of the range has been made in any Forest or grazing district between the various classes of live stock, and the individual grazing privileges enjoyed by the owners of either class are not excessive, no reductions will be made in one class to provide additional range for another class unless economic development of the surrounding country requires it.

<sup>a</sup> Instructions added; effective Feb. 15, 1919.

<sup>b</sup> Instructions modified; effective Oct. 1, 1915.

<sup>c</sup> Instructions modified; effective Feb. 15, 1919.

(43-G) <sup>d</sup> Paragraph modified; effective July 1, 1915.

<sup>e</sup> Paragraph modified; effective Jan. 1, 1917.

When a surplus occurs in the authorization for either class of stock by reason of reductions in the renewal of permits to purchasers, revocation or cancellation of permits, or failure to use the allotted range, grazing privileges may be awarded to properly qualified owners of the class of stock which, in the judgment of the supervisor, is most justly entitled to its use.

#### **Reduction by Sliding Scale.**

The reduction on a sliding-scale basis will be made on the class B owners. Class A owners will be exempt from reduction.

#### **Sliding Scale.**

The following is an example of the ordinary form of sliding scale:

The protective limit having been fixed at 1,200 head of sheep, all permits for not more than that number may be renewed without reduction.

All permits for less than 1,200 sheep may be increased 20 per cent, provided none goes above 1,200 head.

All permits for from 1,200 to 2,400 sheep will be reduced 5 per cent, provided none goes below 1,200 head.

All permits from 2,400 to 4,800 sheep will be reduced 7½ per cent, provided none goes below the highest number allowed in the next lower grade, or 2,280 head.

All permits for more than 4,800 sheep will be reduced 10 per cent, provided none goes below the highest number allowed in the next lower grade, or 4,440 head.

Another form of sliding-scale reduction which may be adopted is as follows:

All permits may be renewed without reduction on the first 1,200 head of sheep.

An increase of 20 per cent may be allowed on all permits for less than 1,200 head.

All permits will be reduced 10 per cent on the number in excess of 1,200 and up to 2,400 head.

All permits will be reduced 15 per cent on the number in excess of 2,400 and up to 4,800 head.

All permits will be reduced 20 per cent on the number in excess of 4,800 head.

The percentage reduction may be changed under either plan to fit the local conditions.

#### **Method of Applying Sliding Scale.**

When a sliding-scale reduction figure has been worked out it may be applied in the following manner, varying the percentages to suit the situation. All applicants who do not own improved ranch property or who are nonresident ranch owners and winter their stock upon the open range will be reduced the full percentage of their class. Resident ranch owners who winter their stock upon the adjoining open range, regular users who purchase winter feed for their stock from resident ranch owners, and nonresident ranch owners whose stock is wintered upon the products of their lands will be reduced 75 per cent of the reduction figure. Owners residing upon their improved ranches and wintering their stock upon the products of their lands will be reduced 50 per cent of the reduction figure.

#### **Reduction in Five-Year Permits.**

No reduction in five-year permits or in the amount to be paid each year will be made for the reason that the permittee does not wish to graze the full number of stock covered by permit, except under the provisions governing nonuse. (See p. 33, "Nonuse of range;" p. 43, "Renewal of five-year permits;" and par. 2, Regulation G-13.)

#### **Deferred Reductions.**

In cases where the topography makes it impossible to assemble and utilize range made available by a sliding-scale reduction the reduction upon permits for such range may be deferred until the following year or until the range can be utilized by other permittees. The permit should contain a stipulation that it is subject to the specified reduction in the next year.

#### **Issuance of Grazing Permits, How Permits are Prepared.**

Upon receipt of notice by the supervisor that the fees have been paid a permit will be issued. It will be prepared in triplicate. The original, accompanied by the original letter of transmittal, will be sent to the permittee, one copy to the ranger interested and one copy filed in the supervisor's office.



**<sup>a</sup> Issuance of Five-Year Permits, How Prepared.**

The procedure in issuing five-year permits for the first year of the period will be the same as for annual or short-period permits. Form 656b will be used. (See p. 31, "Approval of five-year applications.")

**<sup>a</sup> Five-Year Permits, Validation and Continuation of.**

For succeeding years of the period, on receipt of notice that the fees have been paid the supervisor will advise the permittee that his five-year permit is validated and continued in force and effect for the coming grazing season by the use of a rubber stamp as follows: "This receipt validates your five-year permit for the ensuing season as shown on this form, which is made a part of your five-year permit.—Supervisor. (See p. 31, "Approval of five-year applications.")"

**Issued Only for Authorized Periods.**

Grazing permits will be issued only for authorized periods. If the use of Forest land throughout an established season will be injurious to Forest interests the district forester should be requested to establish a shorter grazing period.

**Date Yearlong Permits Will Begin.**

Yearlong permits will begin at the opening of the summer grazing season and end on the day preceding the corresponding date of the following year. <sup>b</sup> Grazing periods which extend beyond the opening date of the yearlong period of the following year should not be established.

**<sup>a</sup> Five-Year Permits, Maximum Limits.**

No five-year permit will be issued for a number of stock in excess of the established maximum limit for the Forest or district of a Forest. Where grazing preferences have been established for more than the maximum limit if the instructions for the Forest involved authorize such action a five-year permit may be issued for the maximum limit number and either annual or temporary permits for the excess.

**<sup>c</sup> Annual Permits on Five-Year Forests.**

Applications for annual permits will continue to be approved on Forests for which five-year permits are authorized. Preference will be given such applicants for the available range in accordance with the existing regulations.

**<sup>d</sup> Special Rules or Stipulations Must be Incorporated in Permit.**

A digest or summary of any special rules which have been established by the district forester under authority of Regulation G-3 must be incorporated in each permit allowing the use of the range district within which the rules are effective. This may be typewritten on the reverse of the permit. (See also p. 13, "Notice of assessments.")

<sup>e</sup> The same action must be taken concerning any other requirements, stipulations, or limitations which the district forester may direct the supervisor to place thereon. (See p. 51, "Stipulations," etc.)

**Range Description in Permit.**

The range to be occupied should be clearly stated in each permit, otherwise a suit for trespass brought against a permittee for grazing his stock on the ranges of others may fail. A description such as "District No. 1" or "Mormon Lake division" should not be used unless it is intended that the permittee shall occupy the entire unit. A person holding a permit allowing him to graze his stock "upon range to be designated by the ranger in charge" may, without fear of successful prosecution, occupy any part of the Forest until through the designation of his range in a plain and unmistakable manner his permit becomes limited in its scope. If the space on the face of the permit is insufficient the range description may be written upon the back. A grazing permit is a business agreement, presumed to mean just what it states, and it will be so regarded in cases of trespass, consequently it should be carefully prepared.

**<sup>a</sup> Range Description in Five-Year Permits.**

If during the five-year period it becomes necessary to make changes in the range originally allotted to the permittee the supervisor will issue an amended five-year permit showing the new range allotment. The original permit will be canceled.

**Map to Accompany Permit.**

The practice of furnishing each grazing permittee with a small blue-print map showing his own and the adjoining range allotments is one which should be followed where the boundaries of individual allotments do not conform to readily describable topographic features or are not adequately marked with posters (Form 222).

<sup>a</sup> Instructions added; effective Feb. 15, 1919.

<sup>d</sup> Instructions modified; effective July 1, 1918.

<sup>b</sup> Sentence added; effective Jan. 1, 1918.

<sup>c</sup> Instructions modified; effective Feb. 15, 1919.

<sup>e</sup> Paragraph modified; effective Feb. 15, 1919.

#### Permits Do Not Authorize Grazing on Private Land.

Persons holding permits for ranges which embrace patented lands or valid claims under the homestead and mineral laws should, if necessary, be warned that the permits issued by the Forest Service do not grant authority to graze stock upon any except National Forest lands and that the use of private lands and valid claims must be with the consent of the owner or claimant.

The Government is not responsible for the intrusion of permitted stock upon private lands. Controversies between the owner of the stock and the owner of the land must be settled in the State courts under the State laws.

#### Review of Permits.

The district forester may, in his discretion, require copies of permits issued to be sent to him for review.

#### Changes in Permits.

Permits may be amended, extended, canceled, revoked, made supplemental, made temporary, or renewed.

The words "temporary" and "supplemental" should not be used indiscriminately. A supplemental permit is not necessarily temporary, while temporary permits may very often be supplemental.

### PERMITS TO PURCHASERS OF PERMITTED STOCK.

<sup>a</sup> REG. G-18. Permits will be granted only for the exclusive use and benefit of the owners of stock and will be forfeited if sold or transferred in any manner or for any consideration. <sup>b</sup> If stock grazed under permit is sold during the term of the permit, upon receipt of evidence that the sale is bona fide and the filing of a waiver of the grazing privilege, the supervisor will cancel the original permit and will issue, free of charge, an amended permit to the original permittee for the number of stock retained and a permit to the purchaser for the number of stock purchased, which will allow the grazing of such stock upon the National Forest during the remainder of the period paid for. Renewal of permit to the purchaser during subsequent years will be subject to the following restrictions:

The permittee from whom the stock is purchased must have used the range during three or more successive years, unless the initial permit was secured through the purchase of permitted stock, in which event a renewal of permit to a second purchaser may be allowed after the expiration of one year from the date of the permit issued to the first purchaser. The permittee selling the stock must execute an agreement waiving to the United States all claims to preference in the use of the Forest land for the grazing of the number of stock transferred. The permit in its renewal will be subject to the maximum limit restrictions and to necessary reductions applicable to other permits of the same class, and no division of stock and ranches will exempt such permits from reduction.

Subject to the foregoing restrictions, a renewal of permit for stock purchased for not to exceed 90 per cent of the permittee's established grazing preference may be allowed the purchaser of stock grazed under permit and the ranches used in connection therewith. The mere purchase of stock grazed under permit will not entitle the purchaser to share in the grazing privilege, but if the purchaser is the owner of improved ranch property which is commensurate and used in connection with the permitted stock, a renewal of permit for stock purchased may be allowed for not to exceed 80 per cent of the permittee's established grazing preference.

A resident ranch owner who after the purchase does not own a total of more than the protective limit number of stock will be granted renewal of permit for the full number of permitted stock purchased.

On Forests not fully stocked, and where reductions on the permits of regular users are not necessary to provide for new settlers or increases to small owners, the 80 and 90 per cent stipulation in the previous paragraph may be waived at the discretion of the district forester and full renewal allowed to purchasers.

<sup>a</sup> Regulation amended; effective July 1, 1915. (46-G) <sup>b</sup> Sentence amended; effective Jan. 1, 1919.



## INSTRUCTIONS AND PROCEDURE.

### **Waiver of Preference.**

Where the renewal of a permit is allowed a purchaser of stock, a written waiver (Form 763) of all claims of the original permittee to a renewal of the permit for the stock sold should be filed with the supervisor. This leaves the supervisor free to renew the permit to the purchaser, if such action is justified, but no action should be taken by the supervisor which in any way obligates the Forest Service to allow a renewal of the permit. (See "Waiver of preference," p. 39.)

<sup>a</sup> Form 763 should be used only when stock is sold with the understanding that renewal of permit will not be allowed the original permittee. (See instructions on p. 39-G, "Waiver of preference.")

### <sup>b</sup> **Free Permits to Purchasers, Sale With Waiver.**

In case a permittee sells his permitted stock during the permit period with the intention of surrendering his grazing preference, and the purchaser wishes to continue to graze it on the National Forest, upon presentation to the supervisor of evidence that the sale is bona fide and the required waiver (Form 763), the original permit will be canceled and a new permit issued to the purchaser without charge for the remainder of the period for which fees have been paid. If only a portion of the stock is sold, an amended permit for the number of stock retained will be issued to the original permittee. No transfer of fees on the record is necessary in such cases. Cross-reference entries will be made on the record cards. <sup>c</sup> Renewal of permit the following season will be in accordance with the restrictions provided by Regulation G-18.

### <sup>d</sup> **Free Permits to Purchasers, Sale Without Waiver.**

When stock is sold with the understanding that the purchaser may be allowed to graze it on the forest during the remainder of the current grazing season, the original permittee retaining his grazing preference, no waiver will be required.

<sup>e</sup> Upon surrender of the permit to the supervisor he will cancel it either in whole or in part, as may be required under the sale, and issue a new permit to the purchaser free of charge, allowing the number of stock purchased to be grazed during the remainder of the period paid for in the original permit. No transfer of fees is necessary. Cross reference will be made on the record cards, Form 621.

### <sup>f</sup> **Payment of Bonus.**

The payment of any bonus, premium, or advance in the price of either the stock or ranch property involved over and above its actual value, or the giving of any consideration to the original permittees for the purpose of securing the filing of a waiver of grazing privilege upon a National Forest is prohibited and will be sufficient cause for the forfeiture of all grazing preferences based upon the purchase of permitted stock or ranch property for which bonus is paid.

### **Proof of Validity of Transfer.**

Such other information must be furnished by the purchaser as may be necessary to satisfy the supervisor that the sale is bona fide.

A statement showing the character and amount of ranch property upon which the application for renewal is based and the relationship it would bear to the stock should be submitted.

Unless the evidence shows conclusively that title to the stock involved passed directly from the person executing the waiver to the purchaser applying for the permit, renewal of the permit will not be allowed.

If considered advisable by the supervisor, statements submitted under these instructions may be required under oath.

### **Minimum Period Between Renewals.**

In order to prevent speculation, renewal of permit will not be allowed a purchaser of permitted stock if the original permittee has used the range less than three years. A permit granted because of the purchase of permitted stock may, however, be renewed to a second purchaser after the expiration of one year from the date of the permit issued the first purchaser. This rule will also apply when the permittee who proposes to sell is a member of a partnership.

<sup>g</sup> By "initial permit" is meant the first permit which the purchaser secures after the purchase of the stock. This will be either the free permit secured for

<sup>a</sup> Paragraph modified; effective Apr. 1, 1921.

<sup>b</sup> Instructions modified; effective Feb. 15, 1919.

<sup>c</sup> Sentence modified; effective Apr. 1, 1921.

<sup>d</sup> Instructions added; effective Apr. 1, 1917.

(47-G) <sup>e</sup> Sentence modified; effective Feb. 15, 1919.

<sup>f</sup> Instructions added; effective July 1, 1918.

<sup>g</sup> Paragraph added; effective July 1, 1915.

the remainder of the grazing season for which the fees were paid by the original permittee or in the event the purchase is made between the seasons the first paid permit issued to him at the beginning of the grazing season subsequent to the purchase.

**Subject to Reduction in Renewal.**

All permits issued to purchasers of permitted stock are subject to any reductions that would have been made in the original permit.

**Sale of Stock After Approval of Application.**

When stock is sold after the application for a grazing permit has been approved and prior to the beginning of the grazing period, the original application will be canceled and the application of the purchaser will be approved upon its merits, subject to the regulations governing the issue of permits to the purchasers of stock.

**Purchaser Must Observe All Requirements.**

All conditions, stipulations, and agreements which were binding upon the original permittee will also be binding upon the purchaser of permitted stock, and a renewal of permit may be denied for failure to observe all requirements. For example: A permit issued upon condition that the stock would be fed during the winter upon the products of the permittee's ranch will not be renewed to a purchaser of the stock except upon the same condition and will be discontinued upon failure of the purchaser to observe the terms of the stipulation.

**Purchase of Stock Only.**

No renewal of permit will be granted to a purchaser of permitted stock unless he is qualified, by ownership of ranch property and in other requisite ways, to share in the use of the Forest ranges.

**Purchase of Stock Only by Owner of Improved Ranch.**

<sup>a</sup> A purchaser of permitted stock who owns ranch property commensurate and so located that it will be used in connection with the stock, or who acquires such property from persons other than the original permittee, may be allowed a renewal of permit for not less than 60 per cent nor more than 80 per cent of the number of the permittee's established grazing preference, provided that the maximum limit restriction is not exceeded. (See p. 42-G, "Division of outfits.")

**Purchase of Stock and Ranches.**

<sup>a</sup> If the ranch property is commensurate and used in connection with the permitted stock, the purchaser of both the stock and ranches of a permittee may be allowed a renewal of permit for not more than 90 nor less than 75 per cent of the permittee's established grazing preference, subject to the maximum limit restrictions. If the ranch property is not fully commensurate, a proportionate reduction should be made in the number of stock for which renewal of permit is allowed.

**No Reduction on Small Owners.**

<sup>b</sup> A renewal of permit will be allowed for the full number of stock purchased if the purchaser does not own a total of more than the protective limit number of stock and is a qualified ranch owner.

**When Reduction in Number of Purchased Stock May Be Waived.**

When there is a surplus range on a Forest, or a district of a Forest, that is sufficient to meet the demands from all persons regularly entitled to new permits, or to cover authorized increases in existing permits, the reductions required by the preceding paragraphs may be waived, at the discretion of the district forester.

**Purchase of Ranch Property Only.**

The purchase of ranch property or improvements used in connection with permitted stock does not convey any right or preference to a share in the use of Forest lands, and no renewal of permit will be allowed solely on the basis of such a purchase. A purchaser of ranch property previously used in connection with permitted stock will be considered only as a new applicant or as the purchaser of other permitted stock.

<sup>a</sup> Paragraph modified; effective Jan. 1, 1917. (48-G) <sup>b</sup> Paragraph modified; effective Apr. 1, 1921. April 1, 1921.



In cases where the permitted stock are removed from the Forest, the purchaser not intending to continue in the use of the Forest lands, and where the permittee has signed a waiver (Form 763), the purchaser of the ranch property will be given a preference over other new applicants to the extent of being placed at the head of the list and granted first consideration.

**Ranch Property.**

Property, such as town lots, fruit land, or mineral land, which does not bear a direct relation to and is not dependent upon the live stock for its best use, will not be accepted as a basis for the renewal of permit to the purchaser of permitted stock. The character of the property and the degree of its use in connection with the stock must conform to the general requirements and practices of the locality.

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#### **Relation of Ranch Property to Stock.**

Where winter feeding is necessary the land must produce sufficient feed to winter the permitted stock and must be used for that purpose. Where winter feeding is not required the ownership of a headquarters ranch, spring, fall, or winter range, lambing grounds, or lands containing controlling sources of water supply may justify renewal. In every case the land must be used in connection with the permitted stock and be commensurate with the number of such stock for the purpose for which it is used.

#### **Leased Land Not Acceptable.**

The applicant for renewal must hold title to the lands, as leased lands do not meet the requirements of the regulations.

#### **Transfers to Copartnerships and Incorporated Companies.**

An individual permittee who enters into a copartnership agreement transfers only an undivided interest in all or a part of his stock or ranches, or both, to the other members of the copartnership. An individual permittee who transfers to an incorporated company makes a complete transfer, retaining no interest in the stock or ranches, but receiving instead an interest in the corporation through the medium of certain shares or certificates which are readily transferable but which do not affect the status of the corporation as a permittee by their transfer. In renewal of permit to a copartnership only the proportionate interest transferred will be reduced in accordance with the rules governing the renewal of permits to purchasers, but in renewal of permit to a corporation the reduction will apply to the full number of stock transferred, even though the original permittee acquires and retains an interest in the corporation equivalent to his original interest in the stock grazed under his individual permit.

<sup>a</sup> If, at any time subsequent to the securing of a grazing privilege by a corporation, a majority of the shares of its stock are held by stockholders other than those holding them when such privilege was granted, the permit will be subject to the same reduction as in other cases. (See Reg. G-17.)

#### **Inheritance of Stock.**

See p. 35, "Heirs to owners of permitted stock," and p. 42, "Renewal to estates."

#### **Purchase Through Foreclosure.**

The acquisition of permitted stock through the foreclosure of a mortgage, or a forced sale, conveys no privilege of renewal of permit unless the original permittee signs an agreement (Form 763) waiving all further claim to preference in the use of the range, nor does it exempt the purchaser from any of the provisions of the regulations governing the renewal of permits to purchasers, except temporarily as herein provided.

<sup>b</sup> If it is evident that the terms of the purchase agreement or mortgage were such that the permittee could not reasonably have been expected to meet them, renewal of permit to the mortgagee will be denied.

<sup>c</sup> When a waiver of grazing preference is executed in connection with a mortgage, under agreement that it will be effective only in case of foreclosure, copies of all papers in the transaction should be filed with the forest supervisor.

#### **Temporary Permit to Purchaser at Forced Sale.**

A temporary permit, effective during one season only and not subject to renewal, may be granted the purchaser of stock through a forced sale (a) when there is surplus range which may be used without undue interference with other permittees, (b) when the original permittee, while retaining his grazing preferences and intending to place stock on the range after the expiration of one year, does not intend to replace the mortgage stock during the season following the foreclosure.

#### **Renewal in Case of Purchase at Forced Sale.**

When the original owner has signed a waiver (Form 763), the purchaser of stock obtained by a forced sale may be allowed a full renewal of permit for the following season, with the understanding that at the beginning of the second year the reductions required by the regulations will be imposed and the rules in reference to the issuance of permits to purchasers of permitted stock will be strictly enforced.

If the stock is sold to a second purchaser during the year in which a full renewal is allowed, the regular reduction will be made in the renewal of the permit during the following season.

### **PERMITS TO NEW OWNERS.**

<sup>d</sup> REG. G-19. Grazing applications from new applicants, or from qualified permittees for increases in their permits, submitted during the last four years of a five-year grazing period, will be approved only for such number of stock as

<sup>a</sup> Paragraph added; effective Jan. 1, 1917.

<sup>b</sup> Paragraph added, effective Jan. 1, 1920.

(49-G)

<sup>c</sup> Paragraph added; effective Jan. 1, 1916.

<sup>d</sup> Regulation amended; effective Apr. 1, 1919.

can be provided for on surplus range after permits not subject to reduction have been renewed and for such additional number as can be made available by a total reduction upon annual permits of the preceding year of not more than 10 per cent in the permit of an owner of improved ranch property commensurate with the permitted stock; or more than 20 per cent in the permit of a person not owning such property.

At the expiration of the five-year period applications from new applicants and qualified permittees for increases may also be approved for the additional surplus made available by an equitable readjustment of the five-year permits.

In providing for new class A applicants and awarding increases to class A permittees, any surplus which may exist on account of transfers or abandoned privileges or in the authorization will be first distributed. If this is not adequate to supply the demand an additional number of stock will be made available by a sliding-scale reduction not exceeding 10 or 20 per cent, respectively, as above mentioned on permits in excess of the established protective limit. If a Forest is fully stocked, permits to new applicants will not be issued for more than one-half the established protective limit number.

If the average number of stock per permittee is less than the protective limit established for the Forest or the grazing district, new permits may be restricted to not more than one-fourth of the protective limit number, and to stock which will be fed during the winter from the products of the permittee's ranch.

Persons who have sold their stock grazed under permit and signed a waiver to their preference will not be recognized as new applicants or granted increases in permit numbers except as purchasers of permitted stock or unless there is unused range after all other qualified applicants have been provided for.

## INSTRUCTIONS AND PROCEDURE. <sup>a</sup>

### <sup>b</sup> Number of Stock to Be Awarded.

When a surplus in the authorization is available for allotments equal to the number of stock necessary to provide for all permits to beginners and increases to permittees below the protective limit for which applications have been received, no sliding-scale reductions will be made.

<sup>c</sup> When the surplus in the authorization is inadequate to supply the demand for range by qualified class A new applicants and class A permittees entitled to increases, the district forester may authorize a sliding-scale reduction on permits in excess of the established protective limit. Such sliding-scale reductions need not be equally distributed over the entire Forest or between the different grazing districts, but may be wholly applied to the ranges or districts where needed to provide for increases or the issuance of permits to beginners. Reductions applied to individual permits, however, will be subject to the limitations imposed by the following paragraphs.

#### Maximum Reduction to Provide Range.

<sup>c</sup> New applications or increases to class A permittees will not be approved in any case where this will necessitate a reduction in the renewal of any permit issued for the previous year which when combined with all reductions for other purposes will in any one year amount to more than 10 per cent of the permit of an owner of improved ranch property commensurate with the permitted stock or 20 per cent of the permit of a regular user not owning such property.

### <sup>b</sup> Distribution of Unallotted Balance.

If an unallotted balance remains in the authorization after provision has been made for all properly qualified applicants entitled to renewals, it may be equitably distributed between new applicants and class A permittees grazing numbers of stock below the protective limit.

#### When Restricted to One-fourth of Protective Limit.

<sup>d</sup> Upon fully stocked Forests or parts thereof where the average number of stock per permittee is less than the protective limit number, none but class A new applicants will receive favorable consideration. The number of stock the new applicant will be allowed to graze during the first year will be not more than one-fourth of the protective limit number; permit will be issued only for stock that is to be wintered upon the products of the applicant's ranch, and will not be renewed if winter feeding is discontinued. Where the average holding per permit is so low, the admittance of additional permittees is justified only when the new applicants absolutely require limited grazing privileges in order to dispose of the products of their ranches which can be marketed only by feeding them to live stock.

<sup>a</sup> The subhead "When reductions should not be made" and the two paragraphs are stricken out; effective Feb. 15, 1919. (50-G)

<sup>b</sup> Instructions modified; effective Oct. 1, 1915.

<sup>c</sup> Paragraph modified; effective July 1, 1918.

<sup>d</sup> Sentence modified; effective Feb. 15, 1919.



#### **When Restricted to One-half the Protective Limit.**

Upon fully stocked Forests or grazing districts, where the average number per permittee is above the protective limit, none but class A applicants will receive favorable consideration. The maximum number of stock they will be allowed to graze the first year is one-half of the protective limit number.

#### **When Allowed for Full Protective Limit Number.**

<sup>a</sup> Upon Forests or grazing districts that are not fully stocked, bona fide class A permittees may be granted permits to graze the full protective limit number of stock.

#### **Definition of a Fully Stocked Forest.**

<sup>b</sup> Under the above instructions a Forest or grazing district will be considered as fully stocked whenever the permanent privileges enjoyed by class B permittees, plus the total demand for range by all class A owners, equals its estimated carrying capacity.

Ranges upon which for any reason a temporary unallotted surplus occurs will not be considered, for purposes of permit allotment, as less than fully stocked, except when there was no demand for the range during the previous year by applicants fully qualified to share in its use. (See Instructions, Reg. G-14, p. 32.)

#### **Temporary Allowances.**

If after providing for all qualified applicants of classes A and B there is still a surplus of range, temporary permits may be granted to new applicants of class C.

#### **Determination of Average Number of Stock per Permittee.**

For the determination of cases arising under the above instructions the average number of stock per permittee will be the full number of stock upon which grazing fees have been paid plus stock covered by permits issued under the provisions of Regulation G-6, upon which fees have not been paid, divided by the full number of persons holding paid permits which have been issued for the area within which the average is to be determined. When local conditions warrant it the supervisor may waive consideration of all permits for less than 10 head of stock.

Temporary permits will not be considered when determining the average number of stock per permittee.

#### **Permits to New Settlers.**

New settlers upon unimproved lands in either Government or private ownership may be granted grazing privileges in accordance with the requirements prescribed in such cases by the instructions on page 33, Regulation G-14.

#### **Stipulation in Permits to New Settlers.**

The following stipulation regarding the three years' use of the range will be placed in all permits issued to new settlers: "New settlers' permit—temporary—pending three years' use of range."

## **CANCELLATION AND REVOCATION OF PERMITS.**

REG. G-20. Authority to cancel, reduce, or revoke grazing permits is delegated to forest officers under the following conditions: Permits may be canceled by the issuing officer or his successor or official superior upon request, or with the consent of the permittee, if such cancellation is not detrimental to the best interests of the Government. <sup>c</sup>Permits may be reduced or revoked for breach of the terms of the grazing application or permit or of the rules and regulations, provided that the breach thereof is clearly established after the permittee has been afforded a reasonable opportunity to show cause why the permit should not be reduced or revoked, and that the action is approved by the district assistant to the solicitor, but they may be reduced or revoked only by an official superior of the issuing officer or in the following general order: Forest rangers' permits by the forest supervisor, forest supervisors' permits by the district forester, district foresters' permits by the Forester. (See Reg. G-28.)

## **INSTRUCTIONS AND PROCEDURE.**

#### **<sup>d</sup>Reductions for Cause.**

When a permittee violates the regulations and instructions or any of the special rules or conditions under which the permit is issued, a reduction may be made in the permittee's grazing preference for the first offense.

In case of continued or repeated violations the permit and grazing preference may be revoked.

<sup>a</sup> Paragraph modified; effective Feb. 15, 1919. (51-G)

<sup>b</sup> Paragraph modified; effective Apr. 1, 1917.

<sup>c</sup> Sentence amended; effective Jan. 1, 1917.

<sup>d</sup> Instructions added; effective Jan. 1, 1917.

#### **Cancellation.**

Cancellation requires the consent of the permittee and the surrender of the permit. Reference to the district office is not necessary unless by some unusual circumstance the permit was authorized or issued by the district forester. The officer canceling the permit will assure himself that the permittee will not be relieved of any existing obligation and that the cancellation of the permit will not be inimical to the best interests of the Government. A brief memorandum of the reasons for the action will be prepared and filed with the canceled permit.

#### **Revocation.**

A permit may be revoked without the consent of the permittee or surrender of the permit.

The permittee will be advised of the reasons rendering necessary the revocation of permit and will be allowed a reasonable time within which to show cause why the permit should not be revoked. This notification must be by personal service or registered mail.

Upon receipt of a statement from the permittee, or after the expiration of the time limit established, the issuing officer will prepare a report to his official superior to whom he will transmit the entire record of the case.

Upon receipt of the issuing officer's report and the record of the case the superior officer will refer the case to the district assistant to the solicitor for an opinion upon the legal phases of the matter. If the recommendation for revocation of permit is sustained by the evidence submitted, and if there is no legal objection to the revocation of permit, the official superior of the issuing officer will address a letter to the permittee declaring the permit null and void and of no effect on and after a certain definitely established date. <sup>a</sup> When the circumstances in the case justify it the revocation of the permit will cause the forfeiture of the permittee's grazing preference. Written notification to that effect should be given the permittee by the district forester.

### **BONDS.**

**REG. G-21.** Whenever it is necessary for the protection of a National Forest, or of the interests dependent upon it, the supervisor may require the owners of transient stock, or nonresidents of the State or Territory in which the National Forest is located, or persons who have persistently violated the regulations of the Secretary of Agriculture to give good and sufficient bond to insure payment for all damage sustained by the Government through violation of the regulations or the terms of the permit.

#### **INSTRUCTIONS AND PROCEDURE.**

The supervisor may require the owners of stock to give bond to insure payment for damage caused by violation of the terms of the permit. The amount of the bond will be determined by the supervisor.

Ordinarily it will be for not less than twice or more than four times the amount of the grazing fee, or an amount which represents approximately the actual value of the forage.

<sup>a</sup> Sentence added; effective Jan. 1, 1917.



A bond may be required of a former trespasser preliminary to the issuance of a permit, or of a permittee who has during two successive seasons disregarded the regulations, or whose employees are inclined to violate the regulations or disregard the orders of the forest officers.

The supervisor will prepare the bond on Form 377, stating the number and kind of stock, describing the range, and stipulating that the stock will graze only on the area described. After approval by the district assistant to the solicitor, he will send it to the applicant with the notice of approval of his application for execution. Upon its return the supervisor will approve it if he is satisfied with the sureties. The permit will not be issued until the bond is approved, nor will bonds be required after the permit is issued, and during the period covered by it. Violations of the regulations during that time should be handled under trespass.

All bonds required in connection with grazing permits will be filed in the supervisor's office.

NOTE.—Regulation G-22, "Settlement of Controversies," and Regulation G-23, "Appeals," are eliminated from the Manual. The provisions of Regulation G-22 have been incorporated in Regulation A-13, "Appeals." The general regulation covering appeals of all kinds will be known hereafter as Regulation A-13. Changes will be made in the numbering of succeeding grazing regulations, as it becomes necessary to reprint pages of the Manual on which they appear.

## COUNTING STOCK.

**REG. G-22.** When an owner who has a permit is ready to drive in his stock he must notify the nearest forest officer, by mail or otherwise, of the number to be driven in. If called upon to do so, he must provide for having his stock counted before entering a National Forest, or at any time afterwards when the number of stock appears to be greater than the number covered by permit.

### INSTRUCTIONS AND PROCEDURE.

Counting corrals, wings, chutes, etc., should be constructed at convenient points to facilitate compliance with this regulation and each year an actual count will be made wherever possible, without serious interference with the proper handling of the stock.

#### When Unnecessary.

Where the local forest officers are in possession of reliable information that the number of stock being brought in by a permittee is not in excess of his permit number, counting may be dispensed with, especially if it involves a material expense to the Service.

#### Counting Report.

A report on stock counted (Form 874-18) will be sent to the supervisor as soon as practicable.

#### Stock in Excess of Permit Number.

Slight discrepancies may be permitted from the number covered by permit when an exact count is impossible. When it is, a very slight excess in a large permit may be overlooked or a supplemental application for the excess required. When the excess is so great as to warrant the assumption that an attempt is being made to avoid payment of fees, the excess number may be denied entrance to the Forest.

Ordinarily an excess of 10 head of sheep per thousand may be ignored. If the range is heavily stocked any greater excess should be removed from the herd before it is allowed to enter. If the range is not heavily stocked, the excess number may be allowed to remain in the herd if the owner will immediately apply for a supplemental permit for the whole excess.

#### Counting Sheep.

Sheep can be easily counted where there is a corral or where a wing can be readily constructed, and therefore should be counted each season as they enter the Forest or shortly afterwards.

#### Counting Cattle and Horses.

Where cattle or horses are driven to Forest ranges from the feed lots or winter ranges, a count may be made at points of entry designated by the forest officers. In many instances, however, the stock is either running loose or turned loose in the spring and naturally drifts onto the National Forest ranges. Where yearlong ranges are included the stock may never leave the Forest and seldom be rounded up.

In such cases the number of cattle or horses being grazed upon a National Forest range may be approximately determined in several ways. Stock may be counted in the feed lots where winter feeding is the rule, a count may be secured in a round-up, or close estimates may be made on the basis of range counts, branding tallies, or sales.



#### **Feed-Lot Counts.**

Counting in the feed lots can be done at a time when it will interfere little with a ranger's duties. The results are fairly accurate. <sup>a</sup> In case a grazing application can not be approved for all the stock owned by the applicant, or in case a permittee owns more stock than the number covered by his established grazing preference, the permit or validating letter of transmittal may be withheld until the permittee presents good evidence that such disposition of or arrangements to provide range for the excess stock will be made as will prevent their trespassing on the Forest. An applicant who refuses to allow his stock to be counted in a feed lot may be required to arrange for a count before entering the Forest or to round-up at any time thereafter if the supervisor has reason to believe that the number being grazed is in excess of the permitted number.

#### **Round-ups.**

A count of a permittee's cattle on the range is a difficult and expensive matter. Where the cattle are wild and used to being rounded up only at stated periods this action will be taken with all possible regard for the stockmen as well as the Forest. An unusual round-up costs money, causes a loss in the value of the stock, drifting from their ranges, and unnecessary damage to the range. Consequently such round-up counts should be avoided unless absolutely necessary and wherever possible the number ascertained by other methods.

#### **Not Under Control of Forest Service.**

Regular beef, calf, or general round-ups inaugurated by the stockmen themselves should in no way be under the control of the Forest Service. Every forest officer should avoid arbitrary action in business matters of this kind, except when it is necessary in order to protect the interests of the Forest. Unless the force of forest officers is sufficient to be with each party of riders all day or unless they have the full cooperation of the stockmen an accurate count of each permittee's stock can not be expected; consequently the preparations for a round-up count should be thorough and complete.

#### **Duty of Forest Officers With Round-up.**

Forest officers detailed to accompany a round-up will give first attention to their work, which is to determine the numbers of permitted stock. They should, however, help the stockmen where they can and avoid an unnecessary disregard of the authority of the person in charge of the work.

#### **Calf Tally.**

Under ordinary conditions of stock raising, four times the number of calves branded in an average year will approximate the total number of stock the owner has, from yearlings up. To illustrate, if a man brands 100 calves in a normal season it is probable that he has about 400 head of cattle, counting yearlings and beef on the range. The calf tally multiplied by 5 will give the approximate number of stock the owner will have on the range in the following year less the number of head sold or lost.

#### **Sale Records.**

The record of stock sold and slaughtered, which usually may be obtained from the State sanitary board and checked up by railroad records when the stock is shipped from railroad points, will furnish a close approximation of the number of stock a permittee is grazing provided he is not selling steers raised by other users of the range. When stock is grazed on a Forest during the entire year the supervisor may require permittees to furnish satisfactory evidence of the removal of a number of stock equal to the natural increase.

#### **Range Estimates.**

An estimate based upon the stock found upon a certain range is of little value unless it is made by two or more men simultaneously to make sure the same animals were not counted twice. A single ranger should not attempt a range count that will extend over more than one day unless he is certain that stock seen the first day will not stray upon the area to be worked the second.

Some animals are bound to be overlooked in a range count, therefore the estimate should be based upon the assumed ratio of the cattle seen and counted to the cattle on the range. This percentage will rarely be more than two-thirds, and may be half. If the count is based on the work of several men it is possible to apply as a check the percentage of the calf crop that was overlooked on the round-up and subsequently range branded, but this, of course, is a suggestion only.

<sup>a</sup> Sentence modified; effective Jan. 1, 1920.

## DAMAGE TO ROADS, TRAILS, OR SPRINGS.

REG. G-25. Each person or group of persons granted grazing permits must repair all damage to roads or trails under the jurisdiction of the Forest Service caused by the presence of their stock in any portion of a National Forest, and build any new roads or trails found necessary for the proper handling of their stock. They must also fence any spring or seep upon Government lands which is being damaged by the tramping of their stock, and, if required by the supervisor, must pipe the water into troughs for watering stock. Such troughs must be open for public use.

### INSTRUCTIONS AND PROCEDURE.

Stockmen may and should be required to repair all damage caused by the presence of their stock upon the Forest, but should not be called upon to make the repairs of damage not caused by their stock. It is entirely reasonable to require a permittee to clear a road or trail which has been filled with rocks by the passage of his stock, but it is not reasonable to ask him to repair roads or trails that were in poor condition before his stock entered the Forest. The repair of public highways, such as State or county roads, which are not under the jurisdiction of the Forest Service, can not be required. It is also reasonable to require the fencing and troughing of a spring or seep which has been damaged by the stock of the permittee. Otherwise the Service should undertake the improvement with the cooperation of the interested permittees if they can be persuaded to assist.

## BEDDING SHEEP AND GOATS.

<sup>a</sup> REG. G-26. Sheep and goats must not be bedded more than three nights in succession in the same place, except when bedding bands of ewes during the lambing season; and must not be bedded within 300 yards of any running stream or living spring, except in rare cases where this restriction is clearly impracticable.

### INSTRUCTIONS AND PROCEDURE.

#### Prolonged Use of Bed Ground.

The prolonged use of one bed ground by a band of sheep is destructive to the range because of the amount of forage tramped by a close-herded band of sheep is fully as great as the amount actually fed. Then, too, the sheep leave the bed ground hungry and eat a large number of plants in the vicinity of the bed ground that ordinarily would escape destruction. Reestablishment of the forage thus destroyed is difficult if not impossible.

#### <sup>b</sup> Maximum Period Three Days.

To reduce the damage to a minimum the bed ground should be changed every day if possible, and in no case should it be occupied more than three nights unless natural conditions will not allow the change to be made. Lambing ewes can not be moved so often, and the interests of the range must in this instance be sacrificed in a measure to the needs of the sheep.

#### Protection of Water Supplies.

The bedding of sheep within 300 yards of a stream or spring that is a source of water supply for a community or town must not be allowed under any circumstances.

## DISPOSITION OF CARCASSES.

REG. G-27. The carcasses of all animals which die on the National Forest from contagious or infectious diseases must be burned, and the carcasses of all animals which die in the close vicinity of water must be removed immediately, and buried or burned.

<sup>a</sup> Regulations amended; effective Jan. 1, 1917. (58-G) <sup>b</sup> Instructions modified; effective Jan. 1, 1917.



## INSTRUCTIONS AND PROCEDURE.

The carcasses of animals dying from blackleg, anthrax, glanders, and other bacterial diseases scatter germs on the range when they decompose, and a healthy animal may contract the disease. Therefore to prevent the pollution of water supply and the spread of disease among human beings, as well as live stock, this rule will be strictly enforced.

### **How to Burn a Dead Animal.**

The destruction by fire of the carcass of an animal weighing perhaps a thousand pounds is not an easy matter.

One of the best methods known is to dig a hole as close as possible to the carcass, about 2 feet deep and large enough otherwise to contain it.

On the sides of this hole dig two or three small ditches or trenches sloping from the surface of the ground into the hole. These will secure a strong draft, which will aid materially in the success of the work.

Having filled this hole with dry wood, piled so as to give the maximum draft, the animal can readily be rolled onto the pile, and with an additional supply of wood placed around the carcass, the combustion will generally be almost complete.

The earth taken from the hole can then be thrown back into it, covering what few bones are left unburned, and the job will be completed in a very satisfactory manner.

### **Owners Must Dispose of Dead Animals.**

Where the ownership of a dead animal can be ascertained the work of burning or burying the carcass must be attended to by the owner or his employees. So far as practicable forest officers will notify persons of the presence upon the range of dead animals owned by them. Where this ownership can not be ascertained the duty of carrying out the regulation falls upon the local forest officer.

## SALTING STOCK.

REG. G-28. Whenever the forest officers require it, all stock grazed under permit must be salted regularly at such places and in such manner as they may designate.

## INSTRUCTIONS AND PROCEDURE.

### **Influence of Proper Salting in Range Management.**

Salt and water are two important factors in distributing cattle and horses on the range. Stock will alternate between salt and water if the two are widely separated and will consume as much range around a salt ground as around a water hole. For this reason the best results are secured by placing the salt on rocky points at some distance away from the water. The salt licks or troughs should be placed on ground of no value for other purposes.

### **Salting Under "On-and-off" Permits.**

In carrying out the salting regulations the Forest Service can not, of course, enforce its provisions except upon National Forest ranges. However, in handling the subject under "On-and-off" permits it becomes incumbent on forest officers to protect the Forest ranges used under such permits from concentration of the outside stock upon the Forest, due to the placing thereon of large amounts of salt and leaving the outside ranges practically unsalted.

The results of such management are quite obvious, and where it is evident that permittees are taking advantage of the regulations in such manner their attention should be called to the fact that its continuance may result in either a revocation of their permit or a reduction in their permit number.

### **Extent to Which Salting Should be Required.**

Salting is required as a means of Forest protection, and the regulation should be enforced to as great an extent as the interests of the Forest demand.

Otherwise it should be enforced only upon the request of a majority of the permittees or when the State laws require the salting of stock.

#### **Action in Case of Refusal to Properly Salt Stock.**

Ordinarily a person who refuses to salt his stock when requested to do so will be subject to a reduction in permit number during the following year. If his refusal is continued and results in damages to the range, he may be denied further privileges. Obviously, where natural licks occur salting will be unnecessary.

#### **Approximate Quantity of Salt Required.**

Sheep will consume about a pound and a half of salt during a summer season. Deprived of salt they are harder to herd and more destructive to the range.

Cattle and horses will use approximately 2 pounds of salt per head per month from the time the green feed begins until midsummer and 1 pound per head per month during the remainder of the year. This quantity is in excess of that fed on most ranges, but experience has demonstrated that a liberal use of salt is a profitable investment. A lack of salt causes cattle to collect around old salt grounds and tramp out considerable range.

### **QUARANTINE AND LOCAL LAWS.**

REG. G-29. The owners of all stock which is grazed under permit in, or allowed to cross, any National Forest will be required to conform to the quarantine regulations of the Secretary of Agriculture, and, at the discretion of the Forester, may be required to comply with all live-stock laws of the State or Territory in which the National Forest is located. Forest officers will cooperate with State or Territorial officers, so far as they can without undue interference with their regular Forest work, to enforce local laws for the protection of stock, and will promptly inform the State officials of all violations discovered.

### **INSTRUCTIONS AND PROCEDURE.**

#### **Enforcement of Quarantine Regulations.**

Whenever the stock in any locality is known to be infected with a contagious disease, or notice to that effect has been given the Forester or district forester by the Bureau of Animal Industry, the owners of all stock to be grazed in National Forests must, if required to do so, subject the stock to inspection, and, if found necessary, have such stock dipped or otherwise treated before it is allowed to enter. At any time during the period for which a grazing permit has been issued, if the stock is found to be infected with a contagious disease, it must be dipped or otherwise treated in accordance with the instructions of the inspectors of the Bureau of Animal Industry, or the permit will be revoked and the stock removed from the National Forests.<sup>a</sup>

Upon receipt from the Forester of a statement of quarantine or inspection work to be conducted by the Bureau of Animal Industry during the grazing season the district forester will communicate with the Bureau of Animal Industry district inspectors, requesting information regarding the quarantine or inspection regulations to be in force during the season, and the Forests to which they will apply.

When this information is received the supervisors concerned will be informed of the name and address of the district inspector in charge, will be instructed regarding the regulations to be in force and requested to cooperate with the officers of the Bureau of Animal Industry, rendering them the necessary assistance and furnishing them with a list of the permittees, the dates upon which the stock will enter the Forest, and all other information required.

The same routine will be followed in regard to State quarantine regulations, unless they conflict with the regulations of the Bureau of Animal Industry.

The enforcement of Federal or State quarantine regulations will not be undertaken by the Forest Service except in cooperation with the Bureau of

<sup>a</sup> Sentence modified: effective July 1, 1915. (60-G)



Animal Industry or State official in charge, and supervisors will in all cases be furnished with definite instructions for their guidance.

Upon receipt of requests for the enforcement of State or Federal quarantine regulations which conflict with Forest interests, or of requests from a State official which conflict with the regulations of the Bureau of Animal Industry, the district forester will endeavor to secure a modification. If this can not be secured, the matter will be submitted to the Forester for decision before final instructions are issued to supervisors.

#### **Enforcement of Local Laws.**

The owners of all stock grazed under permit must comply with the live-stock laws of the State, or their permits will be revoked if the failure to comply with such laws is resulting in injury to the Forest or range, or is nullifying any special rules recommended by a recognized live-stock association and approved by the district forester, which special rules provide for the enforcement of such State laws.

Rangers should, when necessary, inform all persons of the local stock laws and endeavor to prevent their violation. If actual violation of the law is discovered by the ranger, he will at once notify the proper State officer, if practicable, and report this action to the supervisor. If unable to communicate with the State officer, or if no action follows, he will give the facts to the supervisor, who will transmit them to the proper State authority. All officers of the Forest Service will assist the proper State or Territorial officials in the enforcement of all quarantine and live-stock laws, and will, with due regard to their official duties, assist the stock owners to protect their property against loss by theft.

#### **\* ERADICATION OF PREDATORY ANIMALS.**

##### **To Reduce Loss of Live Stock.**

Whenever it is found that the stock interests are suffering on account of the ravages of wolves, cougars, coyotes, bobcats, or other predatory animals, a report should be made to the district forester, with recommendations for such action as is necessary to reduce their numbers.

Upon the receipt of such report the district forester will submit a copy to the district inspector of the Biological Survey, with a request for such action as may be deemed advisable. In the event that the desired action can not be taken by the district inspector owing to lack of funds or the necessary authority, the matter will be submitted to the Forester, for presentation to the chief of the Biological Survey.

All hunters appointed for the purpose of killing predatory animals on the National Forests will be employed by the Biological Survey, which bureau has a special appropriation for this purpose, and the work will be carried on under such plan as may be agreed upon between the district forester and the district inspector of the Biological Survey.

Forest rangers and guards may hunt and trap predatory animals in connection with their regular work upon the Forests and, when no bounty or other extra compensation is received, will be furnished with ammunition, poisons, and traps by the Biological Survey.

Reports of predatory animals killed will be made on Form 343 at such times as may be required by the forest supervisor. The final results of this work will be reported to the district forester in the annual statistical report (July 15). This report should include all predatory animals killed on each Forest by all forest officers.

#### **STRAY OR UNBRANDED STOCK.**

The ownership of all stray or unbranded stock upon the National Forests will be determined by the laws of the State in which the Forest is located, and forest officers will be governed by such laws in the handling of stray or unbranded stock. Persons legally entitled to acquire title to stray or unbranded stock may be allowed to do so, but no permit or agreement should be granted or entered into by any forest officer which authorizes a charge to be made for the gathering of such stock or its sale by the person or persons who have gathered or captured it.

The owners of all branded animals which are captured with unbranded stock will be required to make application for permit and pay the grazing fees upon them. Stray or unbranded stock, if not claimed by persons entitled to it under the law, will be held, and the State authorities requested to take charge of it or authorize the forest officer to dispose of it in accordance with the State law.

Forest officers should not attempt to acquire title to stray or unbranded stock, or assume that its presence upon the Forest gives any right to its use, except when they are qualified under the law to acquire ownership of the stock.

The construction of corrals or pastures for use in capturing wild, unbranded stock may be allowed under the rules governing other special uses of the National Forests.

Reimbursement for expenses incurred by forest officers in the capture or removal of unbranded stock from the National Forests, in excess of their ordinary expenses, may be allowed when the expenditure has been authorized by the district forester.

## PROTECTION OF GAME, FISH, AND BIRDS.

<sup>a</sup> REG. G-30. All forest officers will cooperate with State or Territorial officials to enforce local laws for the protection of birds, fish, and game. When properly authorized to do so, they will act without additional pay as deputy game wardens with full power to enforce local laws, but may not accept any rewards or parts of fines on account of the enforcement of State game laws. Forest officers who hold appointments as deputy game wardens may accept the usual fees which the State allows for issuing hunting and fishing licenses. Forest officers and employees are prohibited from accepting bounties offered for the destruction of predatory animals and also from receiving fees or parts of fees on account of the enforcement of State game laws.

It is the duty of all forest officers to enforce the provisions of Regulation T-7a, which prohibits the use of, or travel on, National Forest land for unlawful hunting or fishing.

## INSTRUCTIONS AND PROCEDURE.

<sup>b</sup> Game is a product of the forests. It adds materially to the enjoyment of the National Forests by the public as well as to their possible economic uses. The preservation of game animals, birds, and fish, and the elimination of game violations, is an important duty of forest officers. This is furthermore made incumbent upon the Forest Service by the act of May 23, 1908, which provides that all reasonable assistance in the protection of game within the National Forests be given the State authorities. Failure to take an active part in game protection will be considered neglect of duty.

<sup>b</sup> Failure of the State game authorities to enforce the law should not influence forest officers to slow down, but, on the contrary, should be considered grounds for greater rather than lesser activity on their part. While regular forest work will not be neglected, there may be limited periods of special danger when game protection should have special attention and when temporarily game protection might be the major activity.

<sup>b</sup> Farsseeing plans for game culture are essential for all the National Forests, particularly in those localities where there is a tendency to absorb into use areas which represent those remaining available to game. Game needs must be considered in making the final allotment of stock to such areas. The most effective way now known for protecting and developing game is to set aside lands where the animals may breed unmolested, so the increase will be available for hunting outside such areas.

<sup>b</sup> It is a part of the business of the Forest Service to develop game, and this can not be brought about without a study of game habits and needs. A study of winter conditions and needs is especially important, for on such a study will depend largely the rational development of our game policy. Data should be collected and made cumulative on plants which make up the game feed on the winter and summer ranges and what areas are available throughout the Forests for winter ranges both in furnishing feed and necessary shelter from storms.

<sup>a</sup> Regulation amended; effective Oct. 1, 1918. (62-G) <sup>b</sup> Paragraphs added; effective Oct. 1, 1918.



#### Cooperation with States.

In States which have enacted adequate laws for the protection of game the Forest Service will carry the work of enforcing the game laws to the highest point of efficiency attainable. To accomplish this the district forester may, at his discretion, agree with the proper State officers upon a definite plan of cooperation with stipulation of the conditions under which all forest officers will enforce the State game laws, and certain forest officers who may be named by the district forester will accept appointments as deputy game wardens and arrest and prosecute persons found to be violating the game laws. It should be made clear that the forest officer will be expected to exercise the same tact and judgment in the enforcement of the game laws that he does in the enforcement of the National Forest regulations. Where the district forester and the State authorities have agreed upon such a plan of cooperation the men whose names the district forester has furnished to the State game warden with recommendation for their appointment as deputy game wardens will be required to accept the appointments and to enforce the game laws in strict accordance with the terms of the agreement, unless they can furnish the district forester with satisfactory reasons why they should not be required to accept appointment or perform the duties of the office.

#### States that do not Cooperate with Forest Service.

In States where the game laws are adequately enforced, but where no plan of cooperation has been agreed upon, each forest officer will be at liberty to accept or refuse appointment as a deputy game warden. It will, however, be the duty of each forest officer to report to the local authorities each case of violation of the game laws which may come to his attention and to furnish the local authorities with all information and assistance essential to the enforcement of the law, but not to make arrests or initiate prosecutions unless commissioned as deputy game warden.

<sup>a</sup> Persons who enter the National Forests for the purpose of hunting contrary to the provisions of the State game laws may be prosecuted for trespass. (See Reg. T-7a.)

#### Fees and Bounties.

<sup>b</sup> Forest officers and employees are prohibited from accepting bounties offered by States, counties, associations, and individuals for predatory animals killed; nor will they be allowed to accept any fees or fines or parts of fines on account of the enforcement of State game laws. Forest officers and employees may retain the hides of all animals destroyed by them.

Forest officers who hold appointments as State game wardens may, however, accept the nominal fees offered by the State for making out and delivering game licenses.

#### Interference by Live Stock.

In making range allotments the supervisor should see that limited winter or summer feeding grounds, and in some cases breeding grounds, of elk, deer, antelope, mountain sheep, or mountain goat are not crowded with stock to the extent of driving the game from its natural range or of depriving it of winter feed upon which it is dependent. On adjoining Forests cooperation on the part of both supervisors may be necessary to accomplish this. In other cases, sheep may be excluded from limited areas to provide nesting places for game birds, such as pheasants, grouse, wild turkey, ptarmigan, or mountain quail. No arbitrary action should be taken which would cause hardship to stock owners. Wherever possible the owners affected should be consulted and induced if possible to agree to the proposed action.

#### Stocking Streams.

If the supervisor discovers that the number of game fish is materially decreasing in a stream, or that good streams or lakes exist in which there are no fish, he may report the fact to the district forester, who will take it up with the State authorities if they own or control hatcheries, or through the Forester with the United States Bureau of Fisheries, with a view to having fry sent the supervisor for stocking the waters of his Forest. Rare species in danger of extinction should be reported to the Forester for advice from the United States Bureau of Fisheries.

<sup>a</sup> Paragraph added; effective Oct. 1, 1918.

<sup>b</sup> Paragraph modified; effective July 1, 1916.

#### **Inadequate or Conflicting State Laws.**

If the supervisor finds that the local game laws are inadequate to protect the game or fish in his locality—for example, if the open season allows deer hunting during the mating season or permits quail to be killed before the young are able to care for themselves—he should report to the district forester, who will bring it to the attention of the State warden.

#### **Game Extermination.**

When any class of game on a Forest is in danger of extermination, the supervisor should investigate the matter as thoroughly as possible. If he considers that the emergency is serious or that peculiar conditions exist, he will make a preliminary report to the district forester requesting the detail of a representative of the Biological Survey to his Forest to conduct further investigations. If the district forester concurs, he will prepare a letter to the Chief of the Bureau of the Biological Survey for the signature of the Forester requesting this cooperation.

### **GAME AND BIRD REFUGES.**

#### **Four Classes.**

Four different classes of game and bird refuges may be included within the National Forests: National game refuges or areas in which the killing of game animals is prohibited by acts of Congress; national bird refuges or areas in which the killing of birds is prohibited by acts of Congress; State game preserves, or areas in which the killing of game is prohibited by the legislature of the State or Territory; and protected areas or areas closed to the grazing of all classes of stock in order to protect game in its natural feeding or breeding grounds, but where hunting is allowed by the State laws.

#### **National Game Refuges.**

National game refuges are created by specific acts of Congress for the purpose of preventing trespass upon public lands in order to protect game and birds. Within a national game refuge local game laws apply only on private, State, or Territorial lands.

#### **Authority of Rangers.**

The hunting, trapping, capturing, or killing of game animals upon a national game refuge in violation of any of the regulations for their protection prescribed by the Secretary of Agriculture under the authority of the statute creating it is a violation of the statute, and offenders will be tried in the United States district courts, and not in the State or Territorial courts. Under authority granted by Congress, rangers are empowered to arrest persons violating national game refuge regulations.

#### **Arrests.**

In making arrests forest officers must be certain that the hunting, trapping, capturing, or killing of the game animals took place upon Government land within the limits of the national game refuge and not upon land in private, State, or Territorial ownership, and must be prepared to prove these facts before the United States commissioner and in subsequent court proceedings.

#### **Game Wardens.**

When a game warden is appointed from the United States civil-service list for a game preserve within a National Forest he may be designated as acting supervisor and be placed in charge of the Forest, but game wardens who are not placed in charge of a Forest will work under instructions from the supervisor the same as other forest officers.



#### **National Bird Refuges.**

National bird refuges are created under authority of an act of Congress, by Executive proclamation or order. The hunting, trapping, capturing, willfully disturbing, or killing any bird of any kind whatever or taking the eggs of such birds on any lands of the United States within national bird refuges in violation of any of the regulations prescribed by the Secretary of Agriculture is a violation of the statute. Legal procedure and action on the part of forest officers in cases of violation of the regulations on national bird refuges will be the same as on national game refuges.

National Forest lands within the bird refuges shall be administered by the Forest Service as other National Forest lands, but such special protective measures shall be adopted as may be necessary to carry out the purposes of the refuges.

The Chief of the Biological Survey will inform the Forester what special conditions he considers should be observed in each of the various refuges.

On the approval of any special conditions the Forester will inform the local forest officers thereof.

In case of violation of the regulations of the national bird refuges located within the boundary of any National Forest coming to the knowledge of forest officers they will take prompt steps to procure prosecutions for such violations.

Notice to the public which the Chief of the Biological Survey may desire to have posted will be prepared in cooperation with the Forester, who will forward them to the proper local forest officers for posting.

The Chief of the Biological Survey and the Forester will cooperate in the selection of any additional areas within National Forests which may be desired for bird refuges.

#### **State Game Preserves.**

State game preserves are created by specific acts of the State or Territorial legislature for the purpose of protecting game animals. Such acts apply to all lands embraced within the described area, including public lands of the United States, unless they conflict with acts of Congress. The killing of game in violation of the act creating a State game preserve is a violation of the State or Territorial laws, and offenders will be tried in the State or Territorial courts.

#### **Authority of Rangers.**

Forest officers have authority to arrest for violations of such laws only after they have been appointed State or Territorial game wardens or have been given special authority by the State legislature.

#### **Cooperation with State Game Warden.**

When a State game preserve is established within a National Forest the district forester will communicate with the State game warden, offering the cooperation of the Forest Service in the enforcement of any regulations for the protection of animals in the State game preserve. Upon receipt of a request from the State game warden that any special action be taken the necessary instructions will be issued to the forest officers concerned.

If in the judgment of the district forester it is contrary to the best interests of the Forest to comply with the State game warden's request, he may refer the matter to the Forester.

#### **Protected Areas.**

Protected areas may be established by the Forester within the National Forests by the exclusion of live stock from limited areas which are the natural feeding or breeding grounds of game animals or birds. Since such areas must remain open to hunting under the State game law an effort should be made to secure the cooperation of the State to prohibit the killing of game animals within protected areas.

#### **Grazing Trespass on Protected Areas.**

The boundaries of protected areas should be plainly marked with notices showing that the areas are closed to the grazing of certain or all classes of stock. The grazing of stock upon the area will be considered as grazing trespass. Forest officers having charge of districts within which there are protected areas will give them the most effective protection possible.

#### **Designation of Men to Handle Game Protection.**

All matters dealing with the protection of game on National Forests will be handled in the district offices by officers designated by the district forester and in Washington by officers designated by the Forester.

## **MISCELLANEOUS MATTERS.**

### **REPORTS.**

#### **\* Rangers to Supervisors.**

Forest rangers will submit an annual report on a date established by each district forester on the conditions of the stock and range under their charge in accordance with the outline on Form 658.

In the report rangers will include the approximate number of stock grazed free under the 10-head exemption. (See "Stock exempt from permit," p. 16<sup>2</sup>.)

#### **Mortality Reports.**

The supervisor may require from each ranger with the quarterly report, or oftener if necessary, a report on stock mortality covering the number of animals of each class discovered on the district during the period covered by the report dead of disease, accident, wild animals, poisonous plants, and starvation. The disposition of the carcass should be noted in each case.

#### **Counting Reports.**

Rangers or guards counting stock entering the Forest will report to the supervisor on Form 874-18 as soon as possible after each count. These reports will be filed in the supervisor's office in the case folders to which they refer. Duplicate will be retained by the ranger.

#### **Grazing Capacity of Private Lands.**

Permits issued under Regulation G-7 should be based upon a field estimate of the grazing capacity of the lands involved. Private lands within a ranger's district may be examined when the application is made or in advance of application at any time an opportunity occurs. Reports will be made on Form 251.

### **\* GRAZING SECTION—SUPERVISOR'S ANNUAL FOREST PLAN.**

The grazing section of the supervisor's annual Forest plan should be prepared immediately after the close of the grazing season and submitted in duplicate to the district forester not later than December 1. (See Instructions, authorizations, Reg. G-1, p. 4.)

### **\* PART II, PROTECTION AND DEVELOPMENT.**

Similar action will be followed in handling the protection and development part of the grazing section in the district offices as is outlined in the instructions for preparation of allowance letters on page 6-G. Before forwarding Part II of the report and the letters of instructions covering them, the district foresters should tabulate the essential information. The reports, letters of instructions, and these tabulations, with a letter of recommendation as to the important problems in grazing covered by the report, should be forwarded to the Forester not later than February 15 for his information and review.

### **GRAZING SECTION—SUPERVISOR'S ANNUAL STATISTICAL REPORT.**

A report on the printed form in accordance with the instructions thereon, giving the required data and information on the following subjects: Grazing permits; Classification of permits; Crossing permits and permits on account of private land; Predatory animals killed.

This report is due with the district forester on July 15, and will cover the preceding fiscal year.

When this report is compiled, the record cards (Form 621) for permits issued since July 1 of the preceding year and for the current grazing year may be checked with a blue pencil in the "Number applied for" column.

When the data is prepared for the classification of permits by grades, the record cards may be checked as above with a red pencil.

On receipt of all the Forest statistical reports the district forester will compile the data for the district showing the information by Forests, and mail to the Forester not later than August 15.

<sup>a</sup> Instructions modified; effective July 1, 1918. (66-G) <sup>c</sup> Instructions added; effective Apr. 1, 1921.

<sup>b</sup> Caption modified; effective Apr. 1, 1921.

April 1, 1921.



**\* To Avoid Duplication in Statistical Report.**

To avoid duplication in certain parts of the annual statistical report (Form 446), the attention of Forest officers is called to the following points:

Form 446 is to show the actual number of permittees to whom permits have been issued and the total number of stock permitted to graze, rather than the number of separate transactions involved.

Do not count "amended," "extended," or "supplemental" permits as separate transactions if the original permits to which these belong have been reported for the fiscal year to which the Form 446 refers.

If, however, the original permit is issued prior to June 30 and the amended, supplemental, or extended permit is issued after that date it should be counted as a separate transaction.

A temporary permit issued as an original transaction should be counted. Other temporary permits should be considered as are amended, extended, or supplemental permits.

In cases of interforest grazing, both the number of such permits and of the stock grazed thereunder are to be reported only by the supervisor issuing the permit, thus avoiding duplication.

This instruction also applies to Report L and the first section of Report N, Crossing permits.

A crossing permit issued by one supervisor or his rangers which allows the permittee to cross more than one Forest should only be reported and the stock accounted for by the supervisor on whose Forest the permit was issued.

**Herder's Identification Card.**

The owners of stock which is kept under herd upon the National Forests will be furnished with cards (Form 976) for the identification of their herders by forest officers.

**Card of Thanks.**

This card should not be cheapened by indiscriminate use, but should be sent only to the men, either camp tenders or herders, who during the grazing season carefully observed the regulations, the terms of the permit, and the instructions given them by forest officers. They must also have handled the stock under their charge with intelligence and discrimination, so as to have obtained from the Forest ranges the maximum of value for their employers with the minimum of injury to the range.

Rangers should at the close of the grazing season report to their supervisors such men as in their judgment merit this card. The supervisor will carefully check up each man's record, as far as he can, and forward cards to those who in his opinion are entitled to them. The greater the care taken in issuing this card, the greater will be its value both to the holder and the Forest Service.

**<sup>b</sup> Grazing Reconnaissance.**

Grazing reconnaissance is a comprehensive, systematic survey of grazing resources to secure reliable data to serve as a basis for range management and administration. All reconnaissance projects should be approved by the Forester before they are undertaken. The district foresters will submit to the Forester by February 15 of each year a summary of the reconnaissance completed or in progress during the fiscal year with a list of the projects recommended for the ensuing year and the estimated cost of each.

**<sup>b</sup> Grazing Investigations.**

Grazing investigations are conducted to determine the most efficient and practical means of conservation and use of the grazing resource of the National Forests to aid in the administration of the National Forests and to assist the permittees in handling their stock on the National Forest ranges. Investigations are conducted along the following lines:

1. Improvement of range by artificial reseeding.
2. Natural reseeding and methods of range management which insure maximum production of forage with a minimum loss of forage through nonuse.
3. Distribution, natural habits, and economic importance of herbaceous and shrubby plants on National Forest ranges.

<sup>a</sup> Instructions modified; effective Apr. 1, 1917. (67-G) <sup>b</sup> Instructions added; effective Apr. 1, 1921. April 1, 1921.

4. Carrying capacity of National Forest ranges.
5. Improved methods of handling stock under range conditions.
6. Distribution and development of stock-watering places.
7. Grazing in relation to tree reproduction, erosion, stream flow, fire, and other uses of the National Forests.
8. Climatic characteristics of vegetative belts on certain Forests.
9. Eradication of poisonous plants.

The general instructions given under "Organization" pages 105-S to 107-S and 111-S for the investigative work of the Service cover in detail the handling of the grazing investigative projects.

## LIST OF GRAZING FORMS AND INSTRUCTIONS FOR THEIR USE.

- |      |  |
|------|--|
| No.  |  |
| 152. | Notice to stockmen. Blank advertising form notifying stockmen that applications will be received for grazing for coming year. Reg. G-12, page 28.  |
| 153. | Postal-card notice to stockmen. Blank card to be sent to all permittees who have used range during previous season. Reg. G-12, page 28.  |
| 162. | "Closed to sheep grazing" poster. Cloth; Spanish.  |
| 184. | "Closed to sheep grazing" poster. Cloth; French.   |
| 207. | Cloth warning sign. "Area closed against grazing." For marking boundaries of areas closed to grazing.  |
| 222. | Cloth sign. "This marks the boundary of range allotted to." For marking individual grazing allotments. Reg. G-2, page 9.   |
| 251. | Report of grazing capacity of private lands. Report made by forest officer on grazing capacity of private lands. Reg. G-7, page 19. Made in duplicate: One to supervisor, one for ranger's file.   |
| 275. | National game preserve. Cloth boundary notice. Reg. G-30, page 64.   |
| 293. | Center of stock driveway. English; metal.  |
| 298. | Application for 5-year grazing permit. One copy filed by applicant with supervisor. Reg. G-13, page 30.  |
| 303. | Postal-card acknowledgment of receipt of grazing application. To be sent to each applicant as application is received in supervisor's office. Reg. G-12, page 28.  |
| 310. | Stock driveway boundary notice. English. Red metal sign to be placed on boundary facing toward driveway. Reg. G-2, page 9.   |
| 311. | Sheep driveway notice. French; cloth poster.   |
| 343. | Report of predatory animals killed. Hunters' monthly report. Made by hunters and all forest officers who have killed any predatory animals during the previous month. One copy to supervisor; one retained in forest officers' files. Reg. G-29, page 61. Sent to supervisor at close of each month. |
| 403. | Use of private lands. For supervisor's card index covering grazing use of private lands. Reg. G-7, page 20.  |
| 404. | Authorization record. Card showing authorizations, periods, and fees for each Forest in district. To be kept in district forester's office card index.   |
| 430. | Herbarium specimen mounting sheet. For use in mounting specimens for herbariums. Large bristol-board card. See circular, "Suggestions for collection of range plant specimens, etc."   |
| 618. | Record of trespass. Card record for district forester's and Forester's office showing status of each grazing trespass.   |
| 621. | Grazing permit record card. Shows 10-year record of each permittee. Supervisor's card-index files only. Reg. G-13, page 31.  |
| 656. | Grazing permit, annual. Prepared in triplicate by supervisor. Original to permittee, one to ranger interested, one for office files. Reg. G-17, page 45. Where permit covers more than one Forest, two copies will also be sent to the other supervisor. Reg. G-13, page 30.                         |
| 658. | Rangers' quarterly grazing report. Outline sheet to be used by rangers as a basis for this report. To be made quarterly by each ranger except as qualified by instructions. Misc. Matters, page 66. Two copies. Original to supervisor, duplicate for ranger's file.                                 |
| 763. | Waiver of grazing privilege. To be filed with supervisor by applicant for renewal of permit. Reg. G-18, page 47.   |



764. Grazing reconnaissance. Field sheet with section plat. Shows types of section in detail. For use of grazing reconnaissance parties. One copy filed in supervisor's office with report. See "Special instructions for reconnaissance parties."
- 764a. Grazing reconnaissance field sheet. To accompany 764. For use of grazing reconnaissance parties. Same as above.
765. Grazing reconnaissance. Section plat. To accompany full report. Same as above.
766. Poisonous plant area. Placard warning stockmen of presence of poisonous plants. To be posted on such area by forest officer. Reg. G-2, page 10.
767. Herbarium slip. To be attached to each specimen or mounting sheet. See circular "Suggestions for Collection of Range Plants, etc."
768. Rate schedules for grazing fees. To be used by forest officers in determining rates for grazing stock.
770. Record of injury by grazing. For reporting damage to seedlings by grazing stock upon special plots under observation. One copy filed with report.
771. Outline and index for part 1, Grazing chapter, supervisor's annual Forest plan. To be made out annually in triplicate as soon as possible after close of grazing season, but never later than December 1. One copy for supervisor's files; two to district forester. Reg. G-1, page 6.
- 771a. Outline and index for part 2, Grazing chapter covering protecting and development. Same procedure as above.
772. Stock driveway boundary notice. Spanish; metal.
773. Stock driveway notice. Center of driveway. Spanish; metal.
774. Record of grazing conditions.
775. Individual record of grazing permittees.
859. Postal-card notice. Correcting errors in amounts paid on grazing fees.
- 861-G. Letter transmitting grazing fees. Letter following the form number indicates district in which it originates. Original sent to applicant, duplicate filed in supervisor's office and triplicate to district forester. Reg. G-13, page 31.
- 874-12. Record of grazing permits. For rangers' notebook. To be filled out by ranger from permits on file in his office for his information when in field.
- 874-17. Crossing permit. Triplicate. Original to permittee. One copy for supervisor's office. Copy retained by issuing officer for his files. On interforest permits two copies will be forwarded at once to supervisor of other Forest. Reg. G-8, page 22.
- 874-18. Sheep counting report. For counting stock entering or leaving Forest. In duplicate. Original at once to supervisor for his files. Duplicate for ranger's files. Filed in case folder. Reg. G-24, page 56.
879. Application for grazing permit. One copy filed with supervisor by applicant. Reg. G-13, page 28.
925. Application for permit on account private land. One copy filed with supervisor by applicant. Reg. G-7, page 20.
976. Herder's identification card. Miscellaneous instructions. Page 67.
- Card of thanks. Issued by supervisors to such herders and camp tenders as have handled the stock under their care with unusual care and due consideration for the range and instructions given them. Miscellaneous instructions, page 67.
985. Boundary of area closed against sheep grazing. Cloth poster for marking such areas. English.





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LANDS.

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# WATER POWER, TELEPHONE, TELEGRAPH, AND POWER-TRANSMISSION LINES.

## REGULATIONS.

ACT OF FEBRUARY 15, 1901 (31 STAT., 790).

REG. L-1. Preliminary power permits will be granted for the purpose of preserving priority of application while applicants are securing the data necessary for applications for final permits, and may allow such construction work as is necessary to preserve water appropriations until final permits are secured. Preliminary permits will not be granted for transmission lines alone or for power sites having a total capacity of 100 horsepower or less.

Final power permits will allow the occupancy and use of National Forest lands for the construction, maintenance, and operation thereon of project works for the development, transmission, and use of power.

Preliminary or final permits for power sites of a total capacity in excess of 100 horsepower will be granted, amended, extended, and renewed by the Secretary of Agriculture, hereinafter called "the Secretary."

Permits for power sites of a total capacity of 100 horsepower or less will be granted, amended, extended, and renewed by the district forester.

Permits for transmission lines will be granted, amended, extended, and renewed: (1) By the Secretary when such permit is supplemental to an existing permit for a power site of a total capacity in excess of 100 horsepower; (2) by the district forester when the transmission line is to be used in connection with a power site (whether under permit or not) of a total capacity not to exceed 100 horsepower or when the connected load upon the transmission line will not exceed 100 horsepower; (3) in all other cases by the Forester.

The Secretary alone may revoke power and transmission line permits.

NOTE.—Since a preliminary permit merely protects an applicant's priority, it is optional with him whether he will apply for a preliminary permit or will secure without such permit the data necessary for making an application for a final permit. No permit is required for traveling, camping, or surveying within National Forests, and camp wood and forage for necessary stock may be taken without specific permission and without charge. Necessary cutting of timber in surveying for lawful projects may be done without permit. Unnecessary cutting is prohibited.

Total capacities for the purpose of this regulation should be computed in accordance with the rule prescribed in Regulation L-7.

Whenever transmission lines are to be built in connection with, or as extensions to, a power or transmission system already under permit, the transmission-line permit should be made supplemental to the major permit, as explained in the procedure on page 37. Lines transmitting purchased power from systems not under permit, whether constructed and owned by the power company or by the purchaser of the power and regardless of the power capacity of such system, will be handled by the district forester if the connected load upon the line does not exceed 100 horsepower; otherwise permits will be issued by the Forester.<sup>a</sup>

Power plants and transmission lines forming part of a system generating steam power only will not be handled under these regulations except upon specific request of applicants. Such use will be authorized by "special-use" permits.

**REG. L-2.** Applications for preliminary or final permits, whether for maintenance of priority of application or for occupancy and use of lands of the United States within National Forests, shall be filed with the district forester of the district in which the lands are situated, except that applications for permits in the Territory of Alaska may be filed either with the district forester or with the supervisor of the National Forest in which the lands are situated.

**NOTE.**—If a proposed project will include lands of the United States outside of the National Forests, as well as those within, the regulations of the Department of the Interior require that applicants shall also submit to the local land office, in the land district in which such lands are situated, such maps and papers and copies thereof as are required by the regulations of that department.

If the project will include lands of the United States wholly outside the National Forests, application should be made to the local land office of the land district in which the lands are situated, in accordance with the regulations of the Department of the Interior.

Preliminary applications should be prepared in accordance with Regulation L-10 and final applications in accordance with Regulation L-11 or Regulation L-12, depending upon the size of the project.

**REG. L-3.** Applications for final permits will be given consideration in the order of the relative priorities therefor. Such priorities may be initiated by the filing of preliminary applications as prescribed in Regulation L-10 or of final applications as prescribed in either Regulation L-11 or Regulation L-12. If a preliminary permittee shall file complete final application before loss of priority initiated by the preliminary application, the priority so initiated shall be maintained by the final application and be effective as of the date of the preliminary application. Priority shall be maintained, however, only in so far as the projects shown in the final application are within the approximate limits of diversion and discharge as shown in the preliminary application.

Priority initiated or maintained by a final application shall be lost if the applicant fails to make the payment required and to return a duly executed stipulation, as prescribed in Regulation L-14 or in Regulation L-15, on or before a date fixed in the letter transmitting such stipulation to him, unless upon a satisfactory showing therefor, filed with the district forester before said date, the district forester shall extend the time originally named.

Priority initiated by a preliminary application shall be lost (1) if the initial payment is not made on or before a date fixed by the district forester in the letter transmitting the request for payment, unless upon a satisfactory showing therefor, filed with the district forester before said date, the district forester shall extend the time originally named; or (2) if the application for final permit is not filed before the date specified in the preliminary permit, unless additional time shall have been allowed by written authority of the Secretary upon a showing by the permittee, filed with the district forester prior to said date, that the filing of final application has been prevented by unusual climatic conditions that could not reasonably have been foreseen or by some special or peculiar cause beyond the control of the permittee.

Priority initiated or maintained by an application for permit shall be lost if the permit is revoked.

No other application, either preliminary or final, for a like use (except for transmission lines) covering in whole or in part the same or adjacent lands will be accepted from a permittee whose priority is lost until the expiration of one year thereafter; and this restriction shall extend to transferees of the permittee and, if the permittee is a corporation, to reincorporations representing the same or associated interests, whenever in the judgment of the Secretary a transfer or reincorporation has been effected for the purpose or



with the result of escaping the restriction of this regulation, it being the intent of such restriction to leave open to other applicants for a period of one year power sites upon which priorities have lapsed, as provided in this regulation.

NOTE.—In transmitting stipulations for signature or letters of transmittal for payment of charges, the district forester should name a date upon which stipulations must be returned and payment made on penalty of loss of priority. In general, such time should not exceed 60 days. If good cause for extension is shown, a further period may be allowed, in the discretion of the district forester, but such further period should not exceed 30 days without specific authorization from the Forester.

All applications for extension of time for filing final applications should be transmitted to the Forester with such reports and recommendations as are necessary for a decision upon the application. Such extensions involve amendments of the preliminary permit which can be made only by the Secretary.

Any extensions involving district forester's permits or applications therefor may be handled by the district forester without reference to the Forester.

REG. L-4. Final permits will be issued only if it appears that the proposed occupancy and use will be in general accord with the most beneficial utilization of the resources involved and consistent with the public interest. No final permit will be issued if the works to be constructed thereunder will unreasonably interfere with the construction or operation of works authorized by existing final permits. No final permit will be issued for the construction of works within an area covered by a prior preliminary permit until after the filing of final application or the loss of priority by the prior preliminary permittee.

Applications for final permits involving in whole or in part the same lands will be examined in order of their priority, but before the issuance of final permit consideration may be given to the financial ability and business connections and affiliations of the applicants.

Successive preliminary permits may be issued covering the same power site, but in each successive preliminary permit it shall be specified that such permit is subordinate to all outstanding prior permits and shall not adversely affect any rights thereunder.

The rejection of an application shall be final unless an appeal therefrom is filed with the district forester (in the Territory of Alaska it may be filed with the forest supervisor) within the time named therefor by the officer rejecting the application. Such appeal shall set forth fully the facts and arguments upon which it is taken.

NOTE.—Decisions rejecting applications, whether made by the Secretary, by the Forester, or by the district forester, will be forwarded to the applicant by the district forester accompanied by a letter fixing a definite date on or before which an appeal must be taken or the case will be closed. In general, 30 days should be sufficient. The district forester may, however, upon request by the applicant, grant an additional 30 days, if the request appears reasonable.

REG. L-5. Wherever the approval of a State administrative official, board, or commission is a condition precedent to the right either to take and use water for power purposes or to engage in the business of the generation, transmission, or distribution of power, certified evidence of such approval must be filed with the district forester before a final permit will be issued. Formal notification by such official, board, or commission that the water right has been canceled or the permission to engage in the power business withdrawn will be deemed sufficient grounds for the revocation of the permit.

NOTE.—If in any State, as in California, applicants claim to be possessed of water rights acquired prior to the passage of an administrative water law, and hence file no certificate from the State water board, the district forester should require the applicant to refer such claim to the board in order that the board may have the opportunity to declare whether the right so claimed is valid or invalid. If the State board approves the claim or disclaims jurisdiction, the prima facie evidence presented by the applicant will be deemed

sufficient. If the board declares the claim invalid, the application will be denied.

REG. L-6. Final permits will be issued for a period not to exceed 50 years from the date of issuance thereof. If, however, at any time not less than 2 nor more than 12 years prior to the termination of the permit the permittee shall formally notify the Secretary that he desires a new permit to occupy and use such lands as are occupied and used under the existing permit and will comply with all then existing laws and regulations governing the occupancy and use of National Forest lands for power purposes, the existing permit will be considered as an application for such new permit.

Whenever in his opinion the public interest requires it the Secretary may grant an indeterminate permit in lieu of a fixed-term permit, but such indeterminate permit shall expressly state that it is subject to the right of the United States, of the State, or of a municipal corporation to purchase as provided in Regulation L-14, paragraph (S) hereof; that it may be terminated for cause as provided in Regulation L-19 hereof; or that it may be otherwise modified or terminated according to law. Such permit shall also provide for a readjustment of its terms at intervals of not less than 20 years to conform to regulations existing at the time of readjustment.

<sup>a</sup> REG. L-7. The following terms, wherever used in these regulations, shall have the meaning hereby in this regulation assigned to them, respectively, viz:

"Municipal purposes" means and includes all purposes within municipal powers as defined by the charter of the municipal corporation, where any such purpose is directly pursued by the municipal corporation itself with the primary object of promoting the security, health, good government, or general convenience of its inhabitants.

"Power business" means the entire business of the applicant or permittee in the generation, distribution, and delivery of power by means of any one power system, together with all works and tangible property involved therein, including freeholds and leaseholds in real property.

"Power project" means a complete unit of power development, consisting of a power house, conduit or conduits conducting water thereto, all storage or diverting or fore-bay reservoirs used in connection therewith, the transmission line delivering power therefrom, any other miscellaneous structures used in connection with said unit or any part thereof, and all lands the occupancy and use of which are necessary or appropriate in the development of power in said unit.

"Project works" means the physical structures of a power project.

"Construction of project works" means the actual construction of dams, water conduits, power houses, transmission lines, or some permanent structure necessary to the operation of a complete power project, and does not include surveys or the building of roads and trails, or the clearing of reservoir sites or other lands to be occupied, or the performance of any work preliminary to the actual construction of permanent project works.

"Primary transmission line" means the main line or lines over which power is delivered from a power house, or generating station, at the voltage of the high-tension side of the station transformers.

"Distance of primary transmission" means the distance measured along the primary transmission line from the power house to the point of first reduction in line voltage by means of transformers.

"Operation period" means the period covered by final permit subsequent to the actual beginning of operation.

"Survey-construction period" means the period covered by preliminary and final permits prior to the operation period.

"Nominal stream flow" means the sum of (a) the flow determined by averaging the values estimated for the natural mean flow for the two-month (calendar) minimum-flow period in each successive five-year period or major fraction thereof, and (b) the stream flow made available from storage by project works not under permit.



"Load factor" means the ratio of average power output to maximum power output.

"Total capacity of the power site" means the continued product of (1) the factor 0.08<sup>1</sup>; (2) the average effective head in feet; (3) the stream flow estimated to be available at the intake (in second-feet and in amount not to exceed the maximum hydraulic capacity of the project works) considered as the sum of (a) the nominal stream flow and (b) stream flow made available from storage by project works under permit; and (4) a factor not less than the average load factor of the power system, representing the degree of practicable utilization of the stream flow estimated to be available and based on the extent of fore-bay storage and the load factor of the power system.

"Rental capacity of the power site" means the capacity on which the rental charges are based. Unless otherwise ordered by the Secretary, it will be determined by making the following deductions from the total capacity of the power site.

(a) Whenever power projects include water-conduit or intake-reservoir sites not wholly on National Forest lands a deduction will be made from that part of the total capacity of the power site which is due to the use of the nominal stream flow. This deduction will be, in per cent, the sum of (1) the product of the proportion of the average effective head obtained from the dam by the per cent of submerged lands below the flow line fixed by the average effective head that are not National Forest lands, and (2) the product of the proportion of the average effective head obtained from the water conduit by the per cent of the length of said conduit which is not located on National Forest lands.

(b) Whenever power projects include reservoir sites not wholly on National Forest lands, a deduction will be made from that part of the total capacity of the power site which is due to the use of stream flow made available from storage by the project works under permit. This deduction will be the per cent of the total area of the reservoir sites that is not National Forest land.

(c) From the total capacity of the power site which remains after deductions (a) and (b) have been made will be made a further deduction which, in per cent, shall be the product of the square of the distance of primary transmission in miles and the factor 0.001, but in no case shall deduction (c) exceed 25 per cent. Deductions will be made under this paragraph only when the application is accompanied by a satisfactory showing of the practicability and probability of the delivery of power to the point named, and, in case of final permits, only when the application is also accompanied by complete maps and notes of survey of the proposed transmission line.

NOTE.—A feeder conduit is a conveyor of water, making available to a power project the flow from a drainage other than that from which the principal diversion is made. If diversion of run-off is made from the drainage on which the power plant is located, this will be termed the "principal diversion"; if not, the diversion yielding the greatest portion of the "nominal stream flow" will be so termed.

The power capacity, due to the feeder conduit, means the continued product of (1) the factor 0.08, (2) the average effective head of the project in feet, (3) the load factor as above defined and determined, and (4) the average stream flow made available by the feeder conduit during the two consecutive months of minimum flow for the whole or major part of each five-year period.

The length of the feeder conduit will be considered as the distance measured along the conduit from its intake to the point where it discharges its contents into the drainage from which the principal diversion is made, or into the conduit carrying such principal diversion.

The deduction for unreserved land along the feeder conduit will be the product of its power capacity and the ratio of the unreserved to total length of such feeder.

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<sup>1</sup> The factor 0.08 represents the horsepower at 70 per cent efficiency of a second-foot of water falling through a head of 1 foot.

<sup>a</sup> "Primary transmission lines," as used in these regulations are to be distinguished from "service lines," which mean and include lines operated at the voltage of the apparatus using the power (lamps, motors, etc.) and having no voltage reduction at the delivery end; and from "secondary transmission or distribution lines" which mean and include all lines operated at a voltage intermediate between the "primary transmission line" voltage and the "service-line" voltage. In computing deductions for transmission-line distance, length of primary transmission lines only will be considered.

<sup>b</sup> REG. L-8. The maintenance of priority under preliminary permits and the occupancy and use of National Forest lands under final permits for power sites of more than 100 horsepower total capacity (except as hereinafter provided in this regulation) will be conditioned on the payment in advance for each calendar year of a rental charge calculated from the "rental capacity of the power site", as defined in Regulation L-7, at the following rates per horsepower per year, unless otherwise ordered by the Secretary:

For the unexpired portion of the calendar year and for the first full calendar year of the survey-construction period and similarly for the operation period-----	\$0. 10
For the second full calendar year of each of said periods-----	. 20
For the third year-----	. 30
For the fourth year-----	. 40
For the fifth year-----	. 50
For the sixth year-----	. 60
For the seventh year-----	. 70
For the eighth year-----	. 80
For the ninth year-----	. 90
For the tenth and each succeeding year-----	1. 00

At any time not less than ten years after the issuance of final permit or after the last revision of rates of rental charges thereunder the Secretary may review such rental rates and impose such new rental rates as he may decide to be reasonable and proper: Provided, That such rental rates shall not be so increased as to reduce the margin of income (including appreciation in land values) from the power project under permit over proper actual and estimated expenses (including reasonable allowance for renewals and sinking-fund charges) to an amount which, in view of all the circumstances (including fair development expenses and working capital) and risks of the enterprise (including obsolescence, inadequacy, and supersession) is unreasonably small, but the burden of proving such unreasonableness shall rest upon the permittee.

The occupancy and use of National Forest lands under transmission-line permits (except as hereinafter provided in this regulation) will be conditioned on the payment in advance for each calendar year of a rental charge of \$5 for each mile or fraction thereof, unless otherwise ordered by the Secretary.

No rental charge will be made (1) for power projects of 100 horsepower total capacity or less or for transmission lines used in connection therewith; (2) for primary transmission lines which are part of a power project under permit; (3) for any power project or transmission line when the power to be developed or transmitted is to be used by a municipal corporation for municipal purposes or by any permittee for one or more of the following purposes: (a) For irrigation as auxiliary to irrigation works owned or operated by the permittee; (b) for logging operations in connection with the purchase by the permittee of National Forest timber under a timber-sale agreement or for the manufacture into a merchantable product by the permittee of such timber so purchased; (c) for the temporary development of power to be used in the construction of permanent project works under permit issued to the permittee.

Whenever a power project is not used exclusively for the purposes above named such proportional part of the full schedule charge for any calendar year will be credited to the permittee as the power developed by the project works and used for the purposes above named bears to the total output of



the project works for said year. Such credits will be made only upon application by the permittee accompanied by a showing of fact satisfactory to the Secretary. Any amount so credited will be applied to the cancellation of charges as they may thereafter become due.

The rental charges on account of a preliminary permit will be calculated from the rental capacity of the power site as estimated by the Secretary at the time of granting such permit. The rental charges on account of a final permit will be calculated from the rental capacity of the power site as estimated by the Secretary at the time of granting said final permit: Provided, That said estimated rental capacity may be adjusted by the Secretary (a) to provide for changes made during construction; (b) annually to provide for changes in ownership of lands in reservoir sites and on water-conduit lines and for changes in length of primary transmission; (c) to provide for changes in nominal stream flow whenever such flow is increased or decreased because of additional storage or otherwise; or (d) whenever not less than 10 years after the determination of the last preceding estimated value thereof the permittee shall apply for or the Secretary give notice of a redetermination of the rental capacity of the power site.

The first payment by every permittee shall be the charge for a full year, but any excess of said payment over the pro rata charge for the unexpired portion of the calendar year in which the permit is issued will be credited to the permittee as a part of his payment for the first full calendar year.

All payments made for the survey-construction period will be credited to the permittee for the cancellation of charges as they become due in the operation period.

If all or any part of the amounts due for rental charges as required in the preliminary permit shall, after due notice has been given, be in arrears for 60 days, then and thereupon the preliminary permit shall terminate and be void without revocation by the Secretary. If all or any part of the amounts due for rental charges as required in the final permit shall, after due notice has been given, be in arrears for 90 days, then and thereupon the final permit shall be subject to revocation by the Secretary.

The decision of the Secretary shall be final as to all matters of fact upon which the calculation of the capacities or rentals depends.

<sup>a</sup> NOTE.—Except when forming part of a power project of 100 horsepower total capacity or less the regular charge of \$5 per mile or fraction thereof will be made for all secondary transmission or service lines, as defined in the note to Regulation L-7, whether such lines are included in the general permit or are under supplementary or independent permit.

From the fact that probably in many instances the data for the original calculations will be meager, provision is made for a redetermination of the power capacity by 10-year intervals, to admit of utilizing more complete data and to allow for possible change of conditions.

REG. L-9. All applications for permits, whether preliminary or final, shall, if the applicant be an individual, contain a sworn statement that he is a citizen of the United States. If the applicant is an association of citizens, the application shall contain a sworn statement by each member that he is a citizen of the United States. Associations must, in addition, submit their articles of association; if there be none, the fact must be stated over the signature of each member of the association.

If the applicant is an incorporated company, its application must be accompanied by the following papers:

(A) A copy of its articles of incorporation, duly certified to by the officer of the State having custody of the original thereof.

(B) If operating in a State other than that in which incorporated, a certificate of the proper officer of the State that it has complied with the laws of that State governing foreign corporations to the extent required to entitle the company to operate in such State.

(C) A true list, signed by the secretary, under the seal of the company, showing the names and designations of its officers and directors at the date of the filing of the items required by this regulation.

REG. L-10. All applications for preliminary permits shall consist of the following items (in addition to those specified in Regulation L-9), each of which shall be dated and signed by the applicant:

(D) An application in triplicate on Form 58.

(E) A map on tracing linen, not larger than 28 by 40 inches and not smaller than 24 by 36 inches, with scale so selected as to show upon a single map the power project or projects applied for, showing the approximate location of the dams, reservoirs, conduits, power houses, and other project works. The map shall show: For each reservoir site, the distance and bearing of the dam from the nearest existing corner of the public survey and approximately the position of the maximum flow line; and for each water-conduit line, the distance and bearing of each terminus from the nearest existing corner of the public survey and the approximate location of the water conduit. If on unsurveyed land, the distances and bearings may be taken from a permanent mark on some natural object or permanent monument that can be readily found and recognized.

(F) Estimates in triplicate for each power project of (1) the total head to be utilized and the per cent thereof to be obtained from dam and water conduit, respectively; (2) the stream flow and the per cent thereof to be made available from storage by the project works; (3) the area to be flooded by back water from the diversion dam; (4) the length of the proposed water conduit (from intake to tailrace outlet); (5) the area and capacity of each proposed storage reservoir; (6) the probable load factor of the power system; and (7) the distance, in miles, of proposed primary transmission.

These estimates should be accompanied by a statement of the data on which they are based, including stream measurements, rainfall, run-off and evaporation records, drainage areas, probable points of delivery of power, and any other pertinent information.

(G) If application is made for permission to prosecute construction under preliminary permit, the application shall be accompanied by a duly certified copy of such notice or application, if any, as is required to be posted or filed, or both, to initiate the appropriation of water under the local laws. This notice or application should provide for use by the applicant for a permit of sufficient water for the full operation of the project works. If permission to construct is not applied for, no notice of water right need be filed.

Application must be made for a definite, limited period only, which period will allow a reasonable time for the preparation and filing of the final application as prescribed in Regulation L-11.

A preliminary application shall not initiate any priority until every map or paper required by Regulation L-9 and by this regulation shall have been filed in the manner prescribed.

REG. L-11. All applications for final permits to occupy and use National Forest lands for power projects of more than 100 horsepower total capacity shall consist of the following items (in addition to those specified in Regulation L-9):

(D) An application in triplicate on Form 60.

(E) Maps of location and plans of structures on tracing linen, cut to a uniform size not larger than 28 by 40 inches and not smaller than 24 by 36 inches, with graphical scale not less than 6 inches in length drawn thereon. Separate sheets shall be used for maps of location whenever the whole survey can not be shown upon a single sheet.

(1) The following maps and plans shall be submitted for each reservoir that will be a part of the power project or projects applied for: (a) A contour map of each reservoir site, dam, and dam site on a scale of not more than 400 feet to the inch, with a contour interval of not more than 10 feet. The contour map for each reservoir site shall show the high-water flow line and, in case the reservoir is to be used in whole or in part for diversion purposes, the flow line fixed by the estimated average effective head and also a table or



diagram of areas and capacities for each flow line and each contour line. (b) A cross section of each dam site along the center line of the proposed dam, with a graphical log properly located thereon of each boring, test pit, or other exploration, and a brief statement of the character and dip of underlying material. (c) Plans, elevations, and cross sections of the dams, showing spillways, sluiceways, or sluice pipes, and other outlet works, and also a statement of the volume of the dam, the character of the materials used, and the type of construction.

(2) The following maps and plans shall be submitted for the entire length of each water conduit, from intake to tailrace outlet, that will be a part of the power project or projects applied for: (a) Either a contour or a profile map and survey (at the option of the applicant) of the entire water-conduit location on a scale of not more than 400 feet to the inch. If a contour survey is made, the contours shall have an interval of not more than 10 feet and shall cover an area of 100 feet in width on each side of the center line of the water conduit or a difference in elevation of at least 25 feet above or below the grade line of the conduit. If a profile survey is made, stations should be located at intervals not to exceed 100 feet, and such stations should be shown upon maps, profiles, and field notes. The map and profile of each section of line should be drawn upon the same sheet. This map shall show the transit line of the survey and the center line of the proposed final location of the water conduit. The maps shall also show what sections of the water conduit will be in flume, ditch, tunnel, pipe, etc., and the grade of each section. (b) Plans, elevations, and cross sections of each type of water conduit, showing material, dimensions, grades, flow line, and capacity and plans and elevations of intake works and fore bays.

(3) A map on a scale of not more than 50 feet to the inch, showing the proposed location of the power house, other buildings, etc., shall be filed for each power-house site that will be a part of the power project or projects applied for. This map shall also state the proposed type and estimated number and rated capacity of the water wheels and generators to be used.

(4) A map of the survey of the proposed final location of the center line of the transmission line, on a scale of not more than 1,000 feet to the inch, shall be filed for such portions of transmission lines as are located upon National Forest lands.

(5) A general map of the power project or projects applied for on such a scale that the entire survey may be shown on a single sheet shall be submitted whenever more than two detail sheets are required to show the entire location (see par. (E)); also a similar map showing the entire primary transmission system from power houses to points of distribution. Both power projects and transmission system may be shown upon a single sheet, provided the combined map can be drawn on a scale of not less than 2 inches to the mile. General maps should also be prepared as key maps by indi-





cating thereon by outline and number (or letter) the location of the areas covered by the several detail sheets.

(F) Copies of field notes in triplicate of the entire final location survey of water conduits, and transmission lines, the exterior boundaries of power-house and reservoir sites, and all reference lines to public-land corners.

(G) Estimates in triplicate for each power project of (1) the total average effective head to be utilized and the per cent thereof to be obtained from dam and from water conduit, respectively; (2) the stream flow and the per cent thereof made available from storage by the project works and by other works, respectively; (3) the area to be flooded by the dam below the flow line fixed by the estimated average effective head; (4) the length of the proposed water conduit (from intake to tailrace outlet) and the number, length, and size of pressure pipes; (5) the area and available capacity of each proposed storage reservoir; (6) the available storage capacity of fore-bays (or diversion ponds); (7) the probable load factor of the power system; and (8) the distances in miles of primary transmission.

These estimates should be accompanied by complete statements in detail of all data on which they are based, including stream measurement, rainfall, run-off and evaporation records, drainage areas, total static head and losses in head, probable maximum, minimum, and average power output, load curves of the power system, efficiencies of machinery, probable points of delivery of power, and all other pertinent information.

(H) Such evidence of water appropriation as is specified in Regulation L-10 (G). If such evidence has been filed with a preliminary application, only such additional evidence, in general, will be required as will cover appropriations or transfers subsequent to the date of the evidence filed with the preliminary application. But wherever the approval of a local administrative official, or board, or commission is a condition precedent to the right either to take and use water for power purposes or to engage in the business of the generation, transmission, or distribution of power, certified evidence of such approval must also be filed with the application for final permit. (See Reg. L-5.)

(I) A detailed statement in triplicate by the applicant of the time desired for making financial arrangements, for completing preliminary construction, and for beginning "construction of project works," as defined in Regulation L-7.

(J) The application shall be accompanied by an affidavit of the applicant's engineer and a certificate of the applicant. (See pp. 21 and 22.) Affidavits and certificates will not be placed upon maps, plans, and other exhibits, but will be filed as a separate exhibit.

The maps and field notes shall show reference lines to initial point of survey, to termini of water conduits, and to termini of transmission lines (when within a National Forest or not more than 2 miles outside its exterior boundary measured along the transmission line). The maps and field notes shall also show the intersection of the survey line with the section lines of public-land surveys and with boundaries of National Forests and other reservations of the United States.

The termini of water conduits, the termini of transmission lines, the intersections with boundaries of reservations of the United States, and the initial point of survey of power-house sites shall be fixed by reference by course and distance to the nearest existing corner of the public survey. The initial point of the survey of reservoir sites shall be fixed by reference by course and distance to the nearest existing corner outside of the reservoir by a line or lines not crossing an area that will be covered with water when the reservoir is in use. When any such terminus, intersection, or initial point is upon unsurveyed land, it shall be connected by traverse with an established corner of the public survey, and the distance from the terminus, intersection, or initial point to the corner shall be computed and noted on the map. When the nearest established corner of the public survey is more than 2 miles distant, this connection may be with a permanent mark on a natural object or a permanent monument which can be readily found and recognized. The field notes shall give an accurate description of the natural object or monument and full data of traverse, as required above. The intersections of the

survey lines with section lines of the public-land survey shall be referenced by course and distance to the nearest existing corner along the section lines intersected. If no corner can be found within a half mile of the survey line, the fact may be noted on the map and in the field notes and the reference omitted. The maps shall also show all lines of public-land subdivisions by official survey; the protractions on unsurveyed land of section and township lines, such protractions in any National Forest to conform to the diagram accompanying the proclamation establishing the boundaries of such National Forest; and the status as to ownership of all lands of the power project or projects, designating separately lands patented, lands of the United States entered or otherwise embraced in an unperfected claim under the public-land laws, unreserved lands of the United States, and, separately for each reservation, lands included within National Forests and other reservations of the United States. Elevations and contour lines shall be based on United States Geological Survey datum whenever available.

Each separate original map, plan, set of field notes, estimates and data, evidence of water appropriation, articles of incorporation, etc., shall be plainly marked "Exhibit A," "Exhibit B," etc., respectively, and referred to by such designation in the application. Maps and plans shall, in addition, be described in the application by their titles as "Exhibit A, map of location of," etc., "Exhibit B, plan of," etc. Duplicate and triplicate copies, when required, should be marked "Exhibit —, duplicate," "Exhibit —, triplicate." Maps should be rolled for mailing and should not be folded.

A final application shall not initiate or maintain any priority until every map or paper required by Regulation L-9 and by this regulation has been filed in the manner prescribed.

NOTE.—Care should be taken not to certify to the completeness of an application unless data have been filed under all the items prescribed above and there appears to have been a bona fide attempt to comply fully with the regulation. In such cases, if any errors which may be found are corrected and any additional data which may be needed are furnished within a time fixed by the district forester in a letter returning the application for correction or for additional data, priority will be considered to have been initiated and maintained as of the date of the filing. This applies particularly to those cases in which a final application only is filed. If a preliminary permit has been issued, the permittee should file his final application long enough before the termination of the preliminary permit to allow for making necessary corrections or additions. The district forester should, at least 60 days before the termination of the permit, notify the preliminary permittee of the date upon which final application must be presented in order that priority may be maintained, and should call to his attention the desirability of having time for correction of application.

Mere sketches of structures should not be accepted as fulfilling the requirements of paragraph (E), subdivisions (1) (c) and (2) (b). These should be actual dimension plans of structures designed for construction at the locations proposed.

REG. L-12. No applications will be accepted for preliminary permits for power projects of 100 horsepower total capacity or less. Applications for final permits for such projects shall be in writing, dated and signed by the applicant, and, in addition to the items specified in Regulation L-9, shall be accompanied by:

(D) A map showing the location of dams, reservoirs, conduits, power houses, and transmission lines or other works.

(E) Field notes of the survey.

(F) A statement of the amount of water to be diverted for use, the maximum capacity of the diversion works, and the total head to be utilized.

(G) Such showing as is specified in Regulation L-11 (H).

The map shall be drawn on tracing linen and may be on any convenient scale. The map shall show, with reasonable accuracy, the extent and location of each reservoir site, water conduit, power-transmission line, and power-house site. It shall also show: For each reservoir site, the distance and bearing of the initial point of survey from the nearest existing corner of the public survey, the location of the maximum-flow line, the area and available storage capacity of the reservoir; for each water conduit or power-trans-



mission line, the distance and bearing of each terminus from the nearest corner of the public survey, the location of the center line of the conduit or transmission line, its length and the intersections of the center line with the boundaries of National Forests and other reservations of the United States; and for each power-house site, the distance and bearing of the initial point of survey from the nearest corner of the public survey, the location of the exterior boundaries of the site, and the area. If on unsurveyed land, or if on surveyed land and corners can not be found within 1 mile, the distances and bearings may be taken from a permanent mark on some natural object or permanent monument that can be readily found and recognized.

In the case of temporary developments only the district forester may in his discretion waive such of the preceding requirements as are not necessary to the purpose of such application.

NOTE.—The requirements of this regulation are necessary in order that rights of way under permit may be located sufficiently to protect the permittee against subsequent applications and in order that entry may be made on the tract books of the General Land Office. In case of small developments, particularly those for domestic uses, the district forester may in his discretion detail a forest officer to make the survey and prepare a map for the applicant. A compass and chain survey will be sufficient in such cases, and in some instances nothing more may be necessary than a compass and pacing survey.

REG. L-13. Before a final power permit will be issued the permittee shall (except in cases involving sites of a total capacity of 100 horsepower or less) execute and file a stipulation, which will be prepared and submitted to him by the district forester and which upon its acceptance shall constitute and express the conditions of the permit. Such stipulation shall expressly bind the applicant to such of the items enumerated in Regulation L-14 and such other conditions as may be required.

REG. L-14. In so far as applicable to the specific occupancy and use under permit, the occupancy and use of National Forest lands for power purposes will be permitted upon the following conditions and not otherwise; and these conditions shall also apply to all existing permits, in which the occupancy and use of National Forest land is conditioned upon the compliance by the permittee with the regulations of the Secretary as at any time existing. In general such conditions will be embodied in a stipulation to be signed by the applicant, but whether so embodied or not, and in so far as applicable, the permittee will be bound:

(A) To construct the project works on the location shown upon and in accordance with the maps and plans submitted with the final application for permit and to make no material deviation from said location unless and until maps and plans showing such deviation shall have been submitted and approved. (See Reg. L-15.)

(B) To begin the construction of the project works, or the several parts thereof, within a specified period or periods from the date of execution of the permit, and thereafter to diligently and continuously prosecute such construction, unless temporarily interrupted by climatic conditions or by some special or peculiar cause beyond the control of the permittee.

(C) To complete the construction and begin the operation of the project works, or the several parts thereof, within a specified period or periods from the date of execution of the permit.

<sup>a</sup> (D) That except when prevented by unavoidable accidents or contingencies, the permittee will operate in good faith and as continuously as may be possible under prevailing market requirements, the project works constructed, maintained, or operated in whole or in part under permit; will neither discontinue the operation of said project works nor reduce the amount of power developed or transmitted by the same at such a time or in such a manner as to reduce the output of electric energy required by the consuming public, or to increase the market price therefor, or to discriminate between consumers, or to prejudice the public interests; and, if there is discontinuance of opera-

tion or reduction in the amount of power generated or transmitted for a continuous period of more than thirty (30) days or for an aggregate period of more than ninety (90) days in any calendar year, will notify the district forester of the fact of such discontinuance or reduction, and of the reasons therefor.

(E) To pay annually, in advance, such rental charges as may be fixed and required by the Secretary under these regulations. (Reg. L-8.)

<sup>a</sup>(F) On demand of the Secretary to install at such places and maintain in good operating condition in such manner as shall be approved by the Secretary, free of all expense to the United States, accurate meters, measuring weirs, gauges, or other devices approved by the Secretary, and adequate for the determination of the amount of power developed by the project works and of the flow of the stream or streams from which the water is to be diverted for the operation of the project works and of the amount of water used in the operation of the project works and of the amount of water held in and drawn from storage; to keep accurate and sufficient records of the foregoing determinations to the satisfaction of the Secretary; and to make a return during January of each year, under oath, of such of the records of measurements for the year ending on December 31, preceding, made by or in the possession of the permittee, as may be required by the Secretary.

<sup>b</sup> NOTE.—In general sufficient information concerning electrical output may be secured from generating stations and substation records. Hence, in Art. 15 of the Stipulations, in describing the places at which electric meters should be installed, it will ordinarily be sufficient to write "At (all) the generating station(s) and substations of the power system."

(G) That the books and records of the permittee, in so far as they contain information concerning the power project or projects under permit and the power business conducted in connection therewith, shall be open at all times to the inspection and examination of the Secretary or other officer or agent of the United States duly authorized to make such inspection and examination.

(H) On demand of the Secretary to maintain a system of accounting of the entire power business conducted in connection with the power project or projects under permit in such form as the Secretary may prescribe or approve, which system, as far as practicable, will be uniform for all permittees, and to render annually such reports of the power business as the Secretary may direct: Provided, however, That if the laws of the State in which the power business or any part thereof is transacted require periodical reports from public-utility corporations under a uniform system of accounting, copies of such reports so made will be accepted, to the extent that they furnish the necessary information, as fulfilling the requirements of this clause.

(I) To protect all Government and other telephone, telegraph, and power-transmission lines at crossings of and at all places of proximity to the permittee's transmission line in a workmanlike manner according to the usual standards of safety for construction, operation, and maintenance in such cases, and to maintain transmission lines in such manner as not to menace life or property.

(J) To clear and keep clear all lands of the power project for such width and in such manner as the forest officers may direct.

<sup>a</sup>(K) To dispose to the satisfaction of the forest officers of all brush, refuse, or unused timber on National Forest lands resulting from the construction and maintenance of the project works.

(L) To build and repair roads and trails as required by the forest officers or other agents of the United States whenever any existing roads or trails are destroyed or injured by the construction work or flooding under permit; and to build and maintain necessary and suitable crossings for all roads and trails which intersect the water conduit, if any, constructed, maintained, or operated under permit.



<sup>a</sup>(M) To do everything reasonably within the power of the permittee, and to require its employees, contractors, and employees of contractors, to do everything reasonably within their power, both independently and on request of the forest officers, or other agents of the United States, to prevent and suppress fires upon or near the lands occupied under permit.

(N) To pay the full value, as fixed by the district forester, of all timber cut, injured, or destroyed on National Forest lands in the construction, maintenance, and operation of the project works.

<sup>a</sup>(O) To pay the United States full value for all damages resulting from the breaking of or the overflowing, leaking, or seeping of water from the project works, and for all other damage to the lands or other property of the United States caused by the neglect of the permittee or of the employees, contractors, or employees of the contractors of the permittee.

(P) To permit the use of any reservoir for the temporary storage or for the transportation of logs, ties, poles, or lumber; and, upon demand of the Secretary, to construct, maintain, and operate a logway or other device approved by the Secretary and suitable for the passage of such logs, ties, poles, or lumber over or around any dam without undue hindrance or delay; and, unless otherwise approved by the Secretary, to furnish free of cost to users of such logway or other device the machinery and the power necessary for the operation of such logway or other device: Provided, however, That the permittee shall not be required to furnish any labor other than that necessary in the operation of the power machinery used in connection with such logway or other device: And provided further, That the use of said reservoir or of such logway or other device by owners of such logs, ties, poles, or lumber shall be under such rules and regulations adopted by the permittee as may be approved by the Secretary.

(Q) To sell power to the United States when requested at as low a rate as is given to any other purchaser for a like use at the same time and under similar conditions, if the permittee can furnish the same to the United States without diminishing the quantity of power sold before such request to any other customer by a binding contract of sale: Provided, That nothing in this clause shall be construed to require the permittee to increase permanent works or to install additional generating machinery.

(R) To abide by such reasonable regulation of the service to be rendered by the permittee to consumers of power furnished or transmitted by the permittee, and of rates of payment therefor, as may from time to time be prescribed by the State or by any duly constituted agency of the State in which the service is rendered; but if such regulation is not exercised by the State or by any duly constituted agency thereof, that the Secretary may upon the filing with him of formal complaint by the State, by a municipality, or by not less than twenty-five (25) customers or prospective customers of the permittee cause an inquiry to be made concerning the service or rate of payment complained of; and if it shall appear upon such inquiry that the service or the rate of payment complained of is unreasonable, the Secretary may fix the character of the service and may name the rate of payment which shall be rendered or charged.

(S) Upon demand therefor in writing from the Secretary to surrender the permit to the United States or to transfer the same to such State or municipal corporation as the Secretary may designate, and on the conditions specified in this paragraph; also to give, grant, bargain, sell, and transfer with the permit (upon such demand and upon said conditions) such works, equipment, structures, and property then owned or held and then valuable or serviceable in the generation, transmission, or distribution of electrical or other power, and which are then dependent in whole or in part for their usefulness upon the continuance of the permit, as may have been determined by agreement with the Secretary and embodied in the aforesaid stipulation: Provided, however, That such agreement and such stipulation shall include only complete units of construction or of development: And provided further,

That if such agreement or stipulation shall not include all such aforesaid works, equipment, structures, and property as are dependent in whole or in part for their usefulness upon the continuance of the permit, the permittee shall waive all right to demand or receive consequential damages for the severance of any property taken under the provisions of this paragraph from any property not taken. The Secretary may require such surrender if the United States shall desire to take over the permit and properties, or he may designate as such transferee any State or municipal corporation which shall desire such transfer: Provided, however, That no municipal corporation shall be so designated unless by proceedings in a court of competent jurisdiction it shall have been determined that such a municipal corporation has the right to acquire such property: And provided further, That no municipal corporation shall be so designated unless it also has the power to acquire the said property and rights of the permittee in accordance with the following conditions. Such surrender or transfer shall be on condition precedent that the United States or such transferee shall first pay to the permittee the reasonable value of all said works, equipment, structures, and other tangible property and, in addition thereto, a bonus of three-fourths of 1 per cent of such reasonable value for each full year of the unexpired term of the permit. Such reasonable value shall not include any sum for any permit, franchise, or right granted by the United States, by any State, or by any municipal corporation in excess of the amount (exclusive of any tax or annual charge) actually paid to the United States or to such State or municipal corporation as the compensation for the granting of such permit, franchise, or right, or any sum for any other intangible properties or values whatsoever, it being the intent of this paragraph that all such intangible values shall be covered by the bonus herein provided for. Such reasonable value shall be determined by mutual agreement between the parties in interest and, in case they can not agree, by a board of arbitration of three members, one of whom shall be named by the permittee and one by the transferee; the third shall be either the Secretary or some representative whom he may name. The reasonable value, for the purposes of such determination, of such works, equipment, structures, and other tangible property shall be the actual and necessary cost thereof or, if such original cost can not be determined with reasonable certainty, shall be the cost of reproduction of such works, equipment, structures, and other tangible property under substantially the same conditions as existed at the time of the original construction and at prices for labor and material which shall be the average of such prices for the five years next preceding the date of valuation, less a percentage of such original or such reproduction cost equal to the per cent of physical and functional depreciation of the existing works, equipment, structures, and other tangible property.

<sup>a</sup> (T) That in respect to the regulation by any competent public authority of the service to be rendered by the permittee or of the price to be charged therefor, and in respect to any purchase or taking over of the properties or business of the permittee or any part thereof by the United States, or by any State within which such properties are situated or business carried on, in whole or in part, or by any municipal corporation in such State, no value whatsoever shall at any time be assigned to or claimed for the permit or for the occupancy or use of National Forest lands granted thereunder, nor shall such permit or such occupancy and use ever be estimated or considered as property upon which the permittee shall be entitled to earn or receive any return, income, price, or compensation whatsoever.

<sup>a</sup> (U) That the works to be constructed, maintained, and operated under the permit shall not be owned, leased, trustee, possessed, or controlled by any device or in any manner so that they form part of or in any way effect any combination in the form of an unlawful trust or form the subject of any unlawful contract or conspiracy to limit the output of electric energy or are in unlawful restraint of trade with foreign nations or between two or more States or within any one State in the generation, transmission, distribution, or sale of electric or other power.



(V) That any approval of any alteration or amendment, or of any map or plan, or of any extension of time, shall affect only so much of the stipulation or permit as is specifically covered by such approval; and that no approval of any such alteration, amendment, or extension shall operate to alter or amend, or in any way whatsoever be a waiver of any other part, condition, or provision of the stipulation or permit.

(W) That the permit shall be subject to all prior valid claims and permits which are not subject to the occupancy and use authorized under the permit applied for.

NOTE.—Paragraph (S) is included in stipulations for power permits in order that permittees may not, on account of the occupancy of lands of the United States, be immune against the operation of State laws of eminent domain. The lands of the United States, and permanent structures thereon which under the common law are part and parcel of the land, are not subject to condemnation without authority of Congress. Such authority has not been given. The procedure which has been provided leaves the interest of the United States unaffected, while it fully protects the legitimate interests of the permittee and of the transferee.

A procedure fixed by contract with the permittee has been provided because the State laws of eminent domain are inoperative on the public lands. Valuation by a board of arbitration has been provided, because, in the absence of specific authorization by Congress, jurisdiction in such proceedings could not be conferred upon the courts. A bonus has been added in order that the property of a permittee may not be taken away before he has had opportunity to earn the expected return, unless he is given compensation in addition to the cost of the properties. This bonus would amount to about 35 per cent of the cost of the properties should they be taken over upon completion. This





is sufficient compensation for loss of profits and interest during the time required for reinvestment.

REG. L-15. During the progress of construction amendments to maps of location or plans of structures will be required from the permittee if there is to be a material deviation from the maps or plans as originally filed, but no deviation will be allowed which interferes with the occupancy and use of lands under existing permits or pending applications. Any approval of any such deviation, or of any amendment of a map or plan, or of any extension of time, shall be in the form of a supplemental stipulation and permit so drawn as to become a part of the original stipulation and permit and a substitute for the clauses amended. Any such approval shall apply only to the matter specifically covered thereby, and no such approval shall operate to alter or amend or be in any way a waiver of any other part, condition, or provision of the stipulation or permit.

If after the completion of the project works there are any deviations in location from those shown upon the original maps or approved amendments thereof, additional maps, prepared in the manner prescribed for original maps of location, and showing the extent of such deviations and the final locations of such project works, will be required to be filed within six months after the completion of the project works. Also upon the completion of the project works detailed working plans will be required of the works as constructed, except such parts as have been constructed in compliance with plans originally filed or approved amendments thereof. Such new or additional plans may be originals on tracing linen or Vandyke negatives of the permittee's own working plans. The plans of conduits, dams, and appurtenant structures must be complete; of power houses, only general layout plans will be required.

REG. L-16. An extension of the periods stipulated in the permit for beginning or completing construction and for beginning operation will be granted only on the written approval of the officer executing the same after a showing by the permittee satisfactory to such officer that beginning or completing construction or operation has been prevented by engineering difficulties that could not reasonably have been foreseen or by other special and peculiar cause beyond the control of the permittee.

REG. L-17. Permission to occupy and use National-Forest lands may be transferred to a new permittee under the following conditions and not otherwise: The proposed transferee shall file with the district forester of the district in which the lands under permit are situated the decree, execution of judgment, will, contract of sale, or other written instrument upon which the proposed transfer is based, or a properly certified copy thereof, also a written application for the transfer. A stipulation binding the proposed transferee to the performance of such of the old conditions and of such new and additional conditions as the Secretary may deem necessary will be prepared and submitted to the proposed transferee for execution and return to the district forester; and thereupon, if the Secretary approves of the transfer and issues a new permit, the transferee shall succeed to the rights and obligations of the original permittee, subject, however, to such new and additional conditions as shall have been embodied in said stipulation and permit.

REG. L-18. If any person shall make a false engineer's affidavit under these regulations, the Secretary may order that no map, field notes, plan, or estimate made by such person shall be received or filed while the order is in force. If any person or corporation for himself or itself, or as the attorney, agent, or employee of another, shall offer or file any false engineer's affidavit, knowing the same to be false, the Secretary may order that no application for a power permit shall be filed by or received from the person or corporation so offending, either in his or its own behalf or as attorney, agent, or employee of another, and that no power permit shall be issued to such person or corporation while the order is in force.

REG. L-19. Violation by a final permittee of any of the provisions of these regulations, or of any of the conditions of a stipulation executed by him or

of a permit issued to him thereunder, shall be sufficient ground for revocation of such permit.

No final permit will be deemed to be terminated except upon formal revocation thereof by the Secretary and until the permittee shall have had a reasonable time—not to exceed 90 days—within which to show cause why such revocation should not be made.

REG. L-20. Any power project under permit, or any part thereof, whether constructed or unconstructed, may be abandoned by the permittee upon the written approval of the Secretary after a finding by the Secretary that such abandonment will not tend to prevent the subsequent development of such project or part thereof so abandoned, and after the fulfillment by the permittee of all the obligations under the stipulation and permit, in respect to payment or otherwise, existing at the time of such approval. Upon such abandonment, after such approval thereof and fulfillment of existing obligations, so much of the stipulation and permit as relates to the abandoned project or part of a project will be formally revoked by the Secretary.

#### RIGHTS OF WAY FOR TELEPHONE, TELEGRAPH, AND POWER-TRANSMISSION LINES UNDER THE ACT OF MARCH 4, 1911.

REG. L-21. Rights of way over National Forest lands for telephone, telegraph, and power-transmission lines, under the act of March 4, 1911 (36 Stat., 1253), will be granted by the Secretary of Agriculture.

REG. L-22. All applications for rights of way over National Forest lands for power-transmission lines or for telephone or telegraph lines, under the said act of March 4, 1911, shall be filed with the district forester of the district in which the lands to be occupied are situated, except that such applications in the Territory of Alaska may be filed either with the district forester or with the supervisor of the National Forest in which the lands are situated. Applications shall consist of—

(A) The items specified in Regulation L-9;

(B) Field notes of survey in triplicate;

(C) Maps of location on tracing linen in duplicate prepared in the manner prescribed for transmission lines in Regulation L-11. Each sheet of maps shall in addition be verified by an indorsement thereon in the following form:

State of \_\_\_\_\_,

County of \_\_\_\_\_, ss:

\_\_\_\_\_, being duly sworn, says that beginning on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and ending on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, he surveyed for \_\_\_\_\_ the location of a proposed \_\_\_\_\_ line described as follows: (Here describe the line by termini and length), and that such survey is accurately represented upon this map and by the accompanying field notes.

\_\_\_\_\_,  
Surveyor.

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Each sheet of the map must have an application indorsed thereon in the following form:

(Date) \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_ of \_\_\_\_\_ hereby applies, under the act of March 4, 1911 (36 Stat., 1253), and the regulations thereunder promulgated by the Secretary, United States Department of Agriculture, for a right of way for a \_\_\_\_\_ line, the location of which is shown hereon.

\_\_\_\_\_,  
Applicant.

REG. L-23. The grantee shall, unless otherwise ordered by the Secretary, pay annually in advance a rental charge of \$5 for each mile or fraction thereof of National Forest land crossed by power-transmission lines.

REG. L-24. If the right of way applied for is for telephone or telegraph lines, no rentals will be charged, but the applicant shall agree to furnish such facilities to forest officers and to permit such reasonable use of its poles or lines as may be determined upon between the applicant and the district forester at the time of filing the application.

REG. L-25. The applicant shall file, together with the application, as required under Regulation L-22, a stipulation which will be prepared and



submitted to him by the district forester and which, upon its acceptance by the Secretary of Agriculture, shall constitute and express the conditions under which the grant will be made. Such stipulation shall expressly bind the applicant:

(A) To construct its lines upon the locations shown upon the maps submitted with its application and to complete such construction within two years from the date of the grant of the right of way.

<sup>a</sup> (B) That except when prevented by unavoidable accidents or contingencies the grantee will operate in good faith and as continuously as may be possible under prevailing market requirements, or users' demands, the line or lines constructed, maintained, or operated in whole or in part under grant; will neither discontinue the operation of said lines nor reduce the amount of power delivered or transmitted over any transmission line at such a time or in such a manner as to reduce the amount of electric energy required by the consuming public, or to increase the market price therefor, or to discriminate between consumers, or to prejudice the public interests; and, if there is discontinuance of operation of any line, or reduction in amount of power transmitted, for a continuous period of more than thirty (30) days or for an aggregate period of more than ninety (90) days in any calendar year, will notify the district forester of the fact of such discontinuance or reduction and of the reasons therefor.

(C) To pay annually in advance such charges as may be fixed and required by the Secretary for power-transmission lines under these regulations.

(D) On demand of the Secretary to install at such places and maintain in good operating condition in such manner as shall be approved by the Secretary accurate meters, or other devices approved by the Secretary, adequate for the determination of the amount of power delivered over transmission lines under grant, or any part thereof; to keep accurate and sufficient records of the foregoing determinations to the satisfaction of the Secretary; and to make a return during January of each year, under oath, of such of the records of measurements for the year ended on December 31, preceding, made by or in the possession of the grantee, as may be required by the Secretary.

<sup>b</sup> NOTE.—See note following paragraph (F), Regulation L-14, page 14-L.

(E) That the books and records of the grantee, in so far as they contain information concerning the power-transmission lines under grant, or the power business conducted in connection therewith, shall be open at all times to the inspection and examination of the Secretary or other officer or agent of the United States duly authorized to make such inspection and examination.

<sup>a</sup> (F) On demand of the Secretary to maintain a system of accounting of the entire power business, conducted in connection with the power-transmission lines under grant, in such form as the Secretary may prescribe or approve, which system as far as practicable will be uniform for all grantees, and to render annually such reports of the power business as the Secretary may direct: Provided, however, That if the laws of the State in which the power business or any part thereof is transacted require periodical reports from public-utility corporations under a uniform system of accounting, copies of such reports so made will be accepted, to the extent that they furnish the necessary information, as fulfilling the requirements of this clause.

<sup>a</sup> (G) To protect all Government and other telephone, telegraph, and power-transmission lines at crossings of and at all places in proximity to the grantee's telephone, telegraph, and power-transmission lines in a workman-like manner, according to the usual standards of safety for construction, operation, and maintenance in such cases; and to maintain the telephone, telegraph, and power-transmission lines in such a manner as not to menace life or property.

(H) To clear and keep clear National Forest lands along the right of way for such width and in such manner as forest officers may direct.

(I) To dispose to the satisfaction of the forest officers of all brush, refuse, or unused timber on National Forest lands resulting from the construction, maintenance, and operation of its lines under the grant.

<sup>a</sup> (J) To do everything reasonably within the power of the grantee, and to require its employees, contractors, and employees of contractors, both independently and on request of the forest officers, or other agents of the United States, to prevent and suppress fires on or near the lands occupied.

(K) To pay the full value as fixed by the district forester for all timber cut, injured, or destroyed on National Forest lands in the construction, maintenance, and operation of the lines under grant.

(L) To sell power to the United States when requested at as low a rate as is given to any other purchaser for a like use at the same time and under similar conditions, if the grantee can furnish the same to the United States without diminishing the quantity of power sold before such request to any other customer by a binding contract of sale: Provided, That nothing in this clause shall be construed to require the grantee to increase permanent works or install additional generating machinery.

(M) To abide by such reasonable regulation of the service rendered and to be rendered by the grantee, whether in respect to the furnishing or transmitting of power or to the transmitting of communications by telephone or telegraph, and of rates of payment therefor, as may from time to time be prescribed by the State or by any duly constituted agency of the State in which the service is rendered; but if such regulation with respect to the furnishing or transmitting of power is not exercised by the State, or by any duly constituted agency thereof, that the Secretary may upon the filing with him of formal complaint by the State, by a municipality, or by not less than twenty-five (25) customers or prospective customers of the grantee cause an inquiry to be made concerning the service or rate of payment complained of; and if it shall appear upon such inquiry that the service or the rate of payment complained of is unreasonable, the Secretary may fix the character of the service and may name the rate of payment which shall be rendered or charged.

(N) That the lines to be constructed, maintained, and operated under the grant shall not be owned, leased, trustee, possessed, or controlled by any device or in any manner, so that they form part of or in any way effect any combination in the form of an unlawful trust, or form the subject of any unlawful contract or conspiracy to limit the output of electric energy, or are in unlawful restraint of trade with foreign nations, or between two or more States, or within any one State, in the generation, sale, or distribution of electric energy or in the transmission of communications by telephone or telegraph.

(O) That in respect to the regulation by any competent public authority of the service to be rendered by the grantee or of the price to be charged therefor, and in respect to any purchase or taking over of the works or business of the grantee, or any part thereof, by the United States or by any State within which the works are situated or business carried on, or by any municipal corporation of such State, no value whatsoever shall at any time be assigned to or claimed for the right of way granted, nor shall such right of way or grant ever be estimated or considered as property upon which the grantee shall be entitled to earn or receive any return, income, price, or compensation whatsoever.

REG. L-26. The grantee shall not assign or transfer to any other person or corporation whatsoever the right of way granted, except with the approval in writing first obtained from the Secretary of Agriculture, or other proper officer of the United States, and upon terms and conditions prescribed in said written approval by said Secretary or other officer. The assignee or transferee under any such approval shall take and use the right of way subject to all terms and conditions in these regulations, together with the original approved application and grant set forth, and subject to such additional terms and conditions as may be provided by such written approval of the transfer.



REG. L-27. During the progress of construction amendments to maps of location will be required from the grantee, if there is material deviation from the maps as originally filed, but no deviation or amendment will be allowed which will interfere with the occupancy and use of National Forest lands under existing permits or grants under any of the right-of-way acts of the United States. If after the completion of construction there are any deviations in location from those shown upon the original maps or approved amendments thereof, additional maps prepared in the manner prescribed for original maps of location must be filed within six months after the completion of construction. Such maps shall show the extent of such deviation and the final location of the telephone, telegraph, or power-transmission lines as constructed under the authority of the grant.

REG. L-28. Grants of rights of way will be effective from the date on which the Secretary of Agriculture writes upon the face of the maps his approval thereof.

REG. L-29. Upon breach by the grantee of any of the terms or conditions set forth in these regulations, or in the approved application, or in the grant, the United States may enforce appropriate remedy therefor by suit for specific performance, injunction, action for damages, or otherwise. And if any such breach shall be continued or repeated after 30 days' notice thereof given in behalf of the United States to the grantee, the right of way granted, together with all rights thereunder and all rental charges and other moneys paid thereon, may be forfeited to the United States by a suit for that purpose in any court of competent jurisdiction.





# FORM OF AFFIDAVIT AND CERTIFICATE.

60a. (Revised to Mar. 1, 1913.)

UNITED STATES DEPARTMENT OF AGRICULTURE.

FOREST SERVICE.

*Form of affidavit of engineer to accompany application for final power permit.*

STATE OF \_\_\_\_\_

County of \_\_\_\_\_, ss:

\_\_\_\_\_ being duly sworn, says he is the engineer of (or the person employed to make the surveys, collect the data, make the estimates, and prepare the designs and plans by) the \_\_\_\_\_ Company; that the survey of the water conduits, transmission lines, reservoirs, and power-house sites as shown upon the maps filed together herewith and described as follows: \_\_\_\_\_

(Describe as in the application, Form 60.)

\_\_\_\_\_ being a total length of water conduit of \_\_\_\_\_ miles, a total length of transmission lines of \_\_\_\_\_ miles, a total area of reservoir site of \_\_\_\_\_ acres, and a total area of power-house site of \_\_\_\_\_ acres was made by him (or under his direction) under authority of said \_\_\_\_\_ Company; that said survey was commenced on \_\_\_\_\_ and completed on \_\_\_\_\_, 19\_\_\_\_; that said survey represents the proposed final location of said water conduits, transmission lines, reservoir sites, and power-house sites, and that said survey is accurately represented upon the maps herein described; he further says that the notes of survey filed together herewith as Exhibit \_\_\_\_\_ are the notes of the above-described survey; that said notes are a true and complete copy of an actual location survey made upon the ground by him (or under his direction) within the dates above named; and that all of said notes and no others were used in the preparation of the maps herein described; he further says that the plans of structures filed together herewith and described as follows: \_\_\_\_\_

(Describe as in the application, Form 60.)

\_\_\_\_\_ were prepared by him (or under his direction) under authority of said \_\_\_\_\_ Company; that the designs as shown upon said plans represent safe, proper, and adequate structures for the full economic utilization of the power available for development at the location shown upon the maps herein described; and he further says that the data and estimates filed together herewith as Exhibit \_\_\_\_\_ were prepared by him (or under his direction) under authority of said \_\_\_\_\_ Company; that the estimates shown in said Exhibit \_\_\_\_\_ are based upon the said data, being all the data available therefor; and that said estimates represent, in his best judgment and belief, the amount of power that can be developed, under the condition specified, by the works shown upon the maps and plans herein described.

\_\_\_\_\_,  
Engineer.

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

[Seal.]

\_\_\_\_\_,  
Notary Public.

NOTE.—This affidavit form is not to be placed upon map, plans, or other exhibits, but is to be typewritten and filed as "Exhibit \_\_\_\_\_" of the application. See Regulations L-11 (J). If the above-described work has been done by or under the direction of more than one engineer, each should subscribe to an affidavit covering the part of the work for which he is responsible.

UNITED STATES DEPARTMENT OF AGRICULTURE.

FOREST SERVICE.

*Form of certificate of applicant to accompany application for final power permit.*

I, \_\_\_\_\_, do hereby certify that I am the \_\_\_\_\_ of the \_\_\_\_\_ Company; that \_\_\_\_\_, who subscribed (respectively) to the foregoing affidavit, is (are) the engineer of (said company) (the person employed by said company to do the work evidenced on the (respective) affidavit); that the survey of the water conduits, transmission lines, reservoirs, and power-house sites as shown upon the maps filed together herewith and designated as follows, \_\_\_\_\_

(Designate as in affidavit.)

the notes of survey as given in "Exhibit \_\_\_\_\_," filed together herewith, the designs of structures as shown upon the plans filed together herewith and designated as follows: \_\_\_\_\_

(Designate as in affidavit.)

the collection of data and the estimates of power as given in "Exhibit \_\_\_\_\_," filed together herewith, were made under authority of said (company); that said (company) is fully authorized by its articles of incorporation to construct, maintain, and operate water conduits, transmission lines, dams, reservoirs, and power houses upon the location shown upon the above-described maps, and of the design shown upon the above-described plans; that said locations and said designs have been adopted by said (company) as the approximate final locations and the approximate final designs of said water conduits, transmission lines, dams, reservoirs, and power houses; that said estimates as shown by said "Exhibit \_\_\_\_\_" have been approved by said (company); and that, in accordance with the regulations of the Secretary of Agriculture, the maps, plans, estimates, and data herein described have been prepared as a part of an application of said (company) dated \_\_\_\_\_, 19\_\_\_\_, and bearing my signature (as \_\_\_\_\_ of said company).

[Seal of company.]

Attest:

\_\_\_\_\_ of the company.

\_\_\_\_\_  
Secretary.

INSTRUCTIONS.

APPLICATIONS UNDER ACT OF FEBRUARY 15, 1901 (31 STAT., 790).

GENERAL STATEMENT.

By the act of February 15, 1901, the Secretary of the Interior is authorized, under general regulations to be fixed by him, to permit the use of rights of way through the public lands, forests, and other reservations and certain national parks of the United States for conduits, reservoirs, power plants, telephone and telegraph lines, to be used for irrigation, mining, domestic purposes, etc., and for the production and transmission of electrical power. The right of way, to which permission to use is given, is restricted to the extent of the ground actually occupied by such plants, conduits, etc., and not to exceed 50 feet on each side of the marginal limits thereof, or 50 feet on each side of the center



lines of conduits or pole lines. The statute does not make a grant in the nature of an easement, but gives a permission or license, revocable at any time for breach of conditions.

By the act of February 1, 1905, the Secretary of Agriculture is vested with jurisdiction to pass upon all applications under the act of February 15, 1901, for permission to occupy and use National Forest lands.

Permission may be granted under the statute for rights of way through unsurveyed as well as surveyed lands.

Every proper inducement is given for the utilization of power sites within the National Forests. Neither now nor in the past have they been reserved from use. To aid legitimate development and to protect the public welfare, public lands of the United States chiefly valuable for water power are from time to time withdrawn by the President from settlement, location, sale, or entry and are reserved for power purposes.<sup>a</sup> By such withdrawals not only is the land retained in Government ownership, but the developer is protected against other and perhaps subsequent claimants to the land. A modification of the power site reserve may be secured wherever a power permit is applied for in accordance with the regulations.

To protect the interests of the public, and to prevent speculative holding of power sites by those who do not intend or are unable to develop, provision is made for the payment of a rental charge under the preliminary and final power permits (except under certain special conditions) and definite periods are specified for the filing of the final application, beginning of construction, and of operation. It is the practice to allow as much time as is requested by the applicant, except when it is evident that the periods are of unnecessary length or shorter periods should be given in order to properly protect the interests of the public. The rental charges are nominal in amount, the maximum under the most extreme conditions being about one-sixteenth of a cent per kilowatt hour. On the average the charge per kilowatt hour is much less than that amount on account of deductions allowed for nonforest land and because in many instances the site is actually developed far beyond the power capacity upon which the charges are based. By providing a sliding scale of rates during the first 10 years of operation it is recognized that, except in unusual cases, several years are required before the maximum capacity of the plant can be marketed. (See Regs. L-7, L-8, and L-14 (B) and (C).) A rental is also charged for transmission rights of way based upon the length of National Forest land crossed by the transmission line.

Under some conditions, a rental of even nominal amount might be a burden to the operating company. On the other hand, a company operating in a State or Territory where no regulation of rates is practiced might be obtaining an unreasonably high income at the expense of the surrounding country's prosperity. By a revision of rates at intervals of not less than 10 years, provision is made for meeting such conditions. (See Reg. L-8.)

In order that the interests of the consumers of the power may be protected the power permittee is required to abide by reasonable regulation of rates and of service by either the State or, if the State does not exercise such regulation, by the Secretary. (See Reg. L-14 (R).)

The lands of the United States and permanent structures thereon are not subject to condemnation without authority of Congress, which authority has not been given. The procedure mentioned in Regulation L-14 (S) has therefore been provided in order that a State or municipality desiring to take over certain water-power properties on the National Forests may do so with the same facility and for the same purposes that such properties could be acquired if located wholly on private lands. The procedure which has been provided leaves the interests of the United States intact, while fully protecting the legitimate interests of the permittee and the transferee. In the stipulation the permittee contracts to surrender the permit, together with such part of the works dependent in whole or in part upon the continuance of the permit as has been determined upon by prior agreement. Such surrender will only be required under the limiting conditions described in Regulation L-14 (S). In return the permittee receives the reasonable value of all tangible property plus a bonus varying according to the length of the unexpired term of the permit. This bonus has been added in order that the property of a permittee may not

be taken away before he has had an opportunity to earn the expected returns, except upon the receipt of compensation in addition to the cost of the properties. The bonus provided, amounting to about 35 per cent of the cost of such properties if taken over upon completion of construction, is sufficient compensation for loss of profits and of interests during the time required for reinvestment, and is also a reimbursement to the investors and developers for their industry in promoting, constructing, and operating the works. The reasonable value is to be determined by mutual agreement, if possible; if not, by a board of arbitration of three members. The latter method of valuation has been provided because, in the absence of specific authorization by Congress, jurisdiction in such proceedings can not be conferred upon the courts.

An important function of the Federal Government in water-power regulation is the prevention of capitalization of the permit and of the occupancy and use of the public domain. This is accomplished by Regulation L-14 (T).

Under the present regulations four forms of permit are granted: (1) Final permits for water-power projects of 100 horsepower total capacity or less (computed in accordance with Regulation L-7); (2) final permits for transmission lines only; (3) final permits for power projects of more than 100 horsepower total capacity; and (4) preliminary permits for projects of more than 100 horsepower total capacity. (See Reg. L-1.)

Preliminary permits are issued to protect an applicant's priority against subsequent applicants until he has had an opportunity to study the proper location and design of the project and obtain the data necessary to the final application. Operation is allowed under final permit only. Except where it can be clearly shown that construction upon National Forest land is necessary in order to preserve the applicant's water appropriation, no construction of the project works will be allowed under preliminary permit.

If the applicant has determined the approximate final location and design of the project works, and has obtained the data specified in Regulation L-11, he should apply for a final permit. If such is not the case, he may apply either for a preliminary permit for a time sufficient for making the final application, or he may proceed without permit to get the necessary information.

No permit is required for traveling, camping, or surveying within the National Forests. Camp wood and forage for necessary stock may be taken without permit. Unnecessary cutting is prohibited.

In Regulations L-9 to L-12 are given the requirements for the four forms of permits granted under the act. The applications for projects of 100 horsepower total capacity or less and for transmission lines are very simple in character; practically all the required data are necessary for determining the true location of the project or line and for the protection of the permittees against reapplication for the land by others. In applying for a preliminary power permit, there is required only a sketch map of location and certain other information indicating the project which the applicant has in mind, together with data of run-off when such data have been obtained and are accessible to the applicant; only when permission is requested to construct under the preliminary permit is evidence of water appropriation required. The final application for projects of more than 100 horsepower total capacity is more detailed in character. It is not the intention, however, to require any data that are not necessary and are not customarily obtained before beginning construction. Experience has shown that, except in unusual cases, applicants who really intend construction obtain not only the data mentioned in Regulation L-11, but much more.

If any National Forest land is desired, the application should conform to the regulations in all respects. If in addition the proposed project includes lands of the United States outside of the National Forests, as well as those within, the regulations of the Department of the Interior require that applicants shall also submit to the local land office in the land district in which such lands are situated such maps and papers and copies thereof as are required by the regulations of that department. If the project will include lands of the United States wholly outside the National Forest, applications should be made to the local land office of the land district in which the lands are situated, in accordance with the regulations of the Department of the Interior.

All applications for National Forest land under the act of February 15, 1901 (31 Stat., 790), for power projects and transmission lines should be filed with



the district forester of the Forest Service district in which the lands are situated, with the exception of projects in Alaska, which may be filed either with the forest supervisor of the Forest in which the lands are situated or with the district forester at Portland, Oreg.

An application filed in error with the Forester, supervisor, or ranger will be forwarded to the district forester concerned; but with the exception of projects in Alaska, no priority will be obtained until the complete application is received by the district forester. An applicant for National Forest land in Alaska will obtain a priority by filing a complete application with the district forester or with the forest supervisor of the Forest in which the lands are situated.

<sup>a</sup> Permits granted under the act may not be transferred except by following the procedure specified in Regulation L-17.

Inquiries regarding the meaning of the regulations should be made of the district forester.

#### **PRELIMINARY APPLICATIONS AND PERMITS FOR POWER PROJECTS OF MORE THAN 100 HORSEPOWER TOTAL CAPACITY.**

##### **General.**

Preliminary permits will be granted, amended, extended, or renewed by the Secretary only. Applications will be accepted and rejected (subject to appeal) by the district forester.

Preliminary permits for power projects are granted in order to maintain a priority right for the applicant during a time sufficient for the preparation of the maps, plans, and other data required to be filed with the application for a final permit. It is not necessary in order to obtain a final permit for a proposed developer to obtain a preliminary permit, but the final permit may be applied for directly. (Reg. L-1.)

The preliminary permit will be granted for a definite, limited period, which will vary according to the circumstances of the particular case, and will be only long enough to give a reasonable time for the preparation of the final application as prescribed in Regulation L-11. In general, the term of the preliminary permit will vary from six months to one year, but a longer period may be allowed if the circumstances warrant and the necessity for the longer period is clearly shown.

It is not the intention that construction work on the project shall be carried on during the preliminary permit, and a sufficient allowance will be made in the final permit for the time necessary to financing the project and to the carrying on of work preliminary to the beginning of actual construction. Whenever the time prescribed by the State statutes within which construction must begin in order to maintain water rights is insufficient to enable the applicant to prepare a final application before beginning construction, a clause may be inserted in the preliminary permit allowing such construction to proceed as is necessary to permit compliance with the State law; but in general such permission will be given only when there are no private lands within the project upon which such construction may proceed.

Regulation L-2 provides that applications will be filed with the district forester of the Forest Service district in which such lands are situated, or may also be filed with the forest supervisor if the projects are located in the Alaskan Forests. The application will be prepared in accordance with Regulations L-10 and L-9, and will consist of a tracing, the application in triplicate on Form 58, three copies of certain estimates and data, and when permission to prosecute construction under the permit is requested, evidence of the applicant's right to all the water needed for the project.

By filing an application which complies in all respects with the regulations a priority right for a final permit is obtained, provided the land applied for is not already covered by a prior application, valid claim, or permit. Successive preliminary permits may be issued for the same site, but each such permit will be subordinate to all outstanding prior preliminary and final permits, and no final application will be accepted until after loss of priority by all prior permittees. (Reg. L-4.)

Except under the conditions noted below, an annual charge based on the rental capacity of the site will be made during the term of the preliminary

permit. No rental will be charged for transmission lines included in the preliminary permit for municipal use, for irrigation, or for logging operations in connection with purchases of National Forest timber; but no free use will be allowed unless the applicant files a satisfactory showing that he is entitled to such privilege. No free permit for logging operations will be granted, unless the timber-sale contract has been awarded to the power applicant. (See Reg. L-8.)

After the application has been investigated by the district forester the applicant will be requested to make payment of the first year's rental charge, and will be allowed a stated period for making this payment. No preliminary permit will be granted until the applicant has made this deposit. In general, the period allowed by the district forester will be less than 60 days, and will not be extended by him unless a written request for such extension is filed prior to the expiration of the period first allowed, and unless in the opinion of the district forester thoroughly satisfactory reasons are presented. Failure to make payment as requested by the district forester will result in loss of priority. (Reg. L-3.)

Priority will also be lost if the rental payment is not made as prescribed in Regulation L-8, if the permit is revoked, or if the final application is not filed within the time specified in the preliminary permit.

No extension of time for the filing of the final application will be granted except upon the written approval of the Secretary of Agriculture after a satisfactory showing by the permittee of the reasons for such extension, and after a report has been submitted by the district forester. (Reg. L-3.)

If the application is rejected, the applicant will be given a definite period by the district forester in which to appeal. If such appeal is not made, and unless for good and sufficient reasons such period is extended by the district forester, the case will be closed at the end of the allotted time. (Reg. L-4.)

The permit will terminate and be void without revocation at the expiration of the preliminary permit or on failure to make the annual rental payment, unless extensions have been granted by the Secretary.

If for any reason priority is lost, the applicant or permittee, or the successor thereto, will not be allowed to file any application for the same ground and for a like use within the period of one year after such loss of priority, unless for satisfactory reasons Regulation L-3 is waived by the Secretary.

#### **Procedure.**

Upon the receipt of preliminary applications, with their accompanying maps and papers, the date and hour of the receipt will be inserted in the space provided on Form 58a and will be certified by the signature of the district forester. The district engineer<sup>1</sup> will examine them in the order of their receipt and determine whether or not the application is complete as required by the regulations. If complete, the district engineer will certify the fact in the space provided on the form (58a). If incomplete or insufficient, he will prepare for the district forester a letter to the applicant returning the application and its accompanying papers, with a detailed statement of the incompleteness or insufficiency. Upon the return of the amended papers the date and hour of their receipt will be certified by the district forester in the same manner as when they were originally received. The district engineer will examine them, and if found complete as required by the regulation he will certify the fact in the space provided on the form.

The district forester will then send the supervisor one copy of the application excepting the papers required by Regulation L-9, and also one extra copy of the filing map.

After the application is received in complete form, an investigation of the status records will be made to determine whether or not there are any prior rights to the desired land which will require the rejection of the application. If no such rights exist, the application will be given a priority date which will be that upon which the last paper necessary to constitute a complete application

<sup>1</sup> If the project is in Alaska and the application is received by the supervisor, he will examine it for completeness and will return it directly if found incomplete. However, the application will not be formally accepted as complete until examined by the district engineer.



was filed with the district forester. If there are conflicting claims of such a nature that issuance of the permit is prevented, the district forester will inform the applicant of the extent of the conflict and allow him a definite period, not to exceed 60 days, in which to amend his application so that the conflict may be avoided. If at the end of the given period the amendment has not been made, the application will be rejected and the case closed. If the project as applied for is in conflict with others held by prior preliminary applications or permits for power projects, the applicant will be informed of the conflict so that if he so desires he may amend his application. If not amended, the application will be accepted, but the permit, if granted, will be subject to the earlier preliminary permits.

When the case is closed following the rejection of an application, the original copy of the application, including the papers specified in Regulation L-9 should be retained in the district files. All duplicate papers may be returned to the applicant.

Whenever the project affects a stream which is tributary to the water supply of a reclamation project or proposed project, a print copy of the map of location will be referred to the supervising engineer for consideration and report as to the effect the proposed use will have upon the reclamation project. This action need not be taken if the conflict or lack of conflict has been determined by previous reference to the Reclamation Service of other projects in the same locality. In the district forester's letter, a brief outline of the proposed method and extent of development should be given so that the supervising engineer may be aided in determining the extent of interference. If objection to the granting of the permit is raised, the applicant will be so informed and allowed a definite period, not to exceed 60 days, in which to adjust the matter to the satisfaction of the Reclamation Service. If, at the expiration of the period, the objection has not been eliminated, the application will be rejected and the case closed, unless the district forester believes that a satisfactory solution of the matter can still be obtained. In the latter event, he will send to the Forester the correspondence file together with his recommendations and, when applicable, a memorandum from the district engineer.

After certifying that the application is complete, and having determined that there has been granted no prior right to the land which will prevent the issuance of the preliminary permit as prescribed by the regulation, the district engineer will examine the maps and estimates, using such additional data as he may be able to secure, and will submit a report and recommendations to the district forester. A field examination by the district engineer will be made only when it is necessary in order to secure sufficient information on which to base the report and recommendations.

Under ordinary conditions the district engineer will not attempt the refinements of computation that are followed in reports on final applications. He should make, however, an investigation for determining with reasonable closeness the main factors needed in the computation of the power capacity. The report will contain (1) a statement relative to the applicant and his associations with other companies; (2) a résumé of the correspondence sufficient for an understanding of the case without reference to the correspondence files; (3) a brief description of the location of the project with reference to watershed, cities, or towns, etc., to means of communication and to other power and irrigation projects and developments on the same drainage basin or in the vicinity; (4) a description of the proposed works to the extent that data are available; (5) an estimate of the available flow, effective head, and total and rental capacities of the project; (6) a brief statement of the need of the project in the supplying of a power market and the probable effect that the project, if constructed, would have on other developments and upon the growth and prosperity of the surrounding region; (7) recommendations relative to the granting of the permit, mentioning especially length of permit, necessary amount of preliminary construction of roads, trails, etc., need for construction under preliminary permit, and also whether or not the applicant should be required to obtain stream-flow data during the period of permit.

When it appears that the power site is to be used in timber-sale operations on a National Forest or when the principal value of such site is in connection

with the utilization of National Forest timber, the application will be referred to the office of silviculture, which will prepare a memorandum relative to the value of the site in pending timber sales. The district engineer will mention and also include a copy of this memorandum in his report, so that the attention of the Branch of Silviculture at Washington may be directed to the possible value of the site.

Upon receiving the district engineer's report the district forester will prepare five copies of permit on Form 59, omitting the date of filing the final application.<sup>a</sup> Only in exceptional cases will a clause be inserted allowing construction in advance of final application and permit for any other reason than to allow compliance with the State law, and only then when there is no private land upon which sufficient construction work may be done. When inserted for any other reason, the necessity for it must be fully explained in the recommendation of the district forester. If the application is approved by the district forester and the district engineer, they will initial the file copy of the permit.

The district forester will send the Forester a copy of the complete application, two copies of the district engineer's report, two copies of the permit (one being the file copy), the correspondence file, and the originals of the maps and plans. No blue prints will be sent.

The chief engineer will examine all the papers received from the district forester and, if he approves the application, the recommendations of the district forester and the district engineer's report, he will insert in the permit the date for filing the final application, will initial the file copy of the permit, and, if a rental is to be charged, return it with the originals of the maps and plans and the correspondence file to the district forester.<sup>a</sup> If he does not approve the application, the report, or the recommendations, he will return the papers with a letter to the district forester explaining in detail his reasons for not approving. If no rental charge is to be made, the permit will be presented to the Secretary for signature before its return to the district forester.

Upon the return of the permit from the chief engineer, if approved, the district forester will prepare a letter of transmittal (Form 861) in triplicate, stating the amount of the charge, and will send it to the applicant, together with a letter informing him that his priority will be lost unless payment is received before a date specified in the letter. (See Reg. L-3.) Upon receipt of notice from the district fiscal agent that deposit has been made, the district forester will complete the preparation of the permit form and will forward to the Forester the original and file copy of the permit and the correspondence file.

When the original permit has been signed by the Secretary, the Forester will return it, together with the correspondence file, to the district forester.

Before transmitting the original permit to the permittee the district forester will send to the supervisor two copies of the permit, a copy of the report of the district engineer, and a copy of the letter of transmittal (Form 861), with an indorsement thereon of the receipt of the first payment.

When the application includes, in addition to the National Forest lands, lands under the jurisdiction of the Interior Department, the special procedure noted on page 42 will be followed.

Within 60 days after the issuance of the permit the district forester shall notify the Commissioner of the General Land Office, as provided on page 42.

#### **FINAL APPLICATIONS AND PERMITS FOR PROJECTS OF MORE THAN 100 HORSE-POWER TOTAL CAPACITY.**

##### **General.**

Final applications will be accepted and, subject to appeal, rejected by the district forester. The Secretary alone will grant, amend, extend, renew, and revoke final power permits.

By a final permit, occupancy and use of National Forest land is allowed. In general a permit of 50 years' duration is given, but a shorter period may be granted in special cases. In certain special cases an indeterminate permit may be granted by the Secretary, which will be subject to the right of United States, State, or municipality to purchase in the manner specified by Regulation L-14 (T.) This may be terminated for breach of conditions (Reg. L-19) or in accordance with existing law. It will provide for periodic adjustment of its terms.



The application should be prepared in accordance with Regulations L-9 and L-11 and should be filed with the district forester, or if the project is on National Forest land in Alaska, it may be filed with the forest supervisor. No priority will be initiated or maintained until every map or paper required by the two regulations has been filed in the manner prescribed. Mere sketches of structures will not be accepted as fulfilling the requirements of Regulation L-11 (E), 1 (c) and 2 (b). These should be actual dimension plans of structures designed for construction at the location proposed. A certain definite date is set in the stipulation before which actual construction of the project works must be commenced, therefore the time requested under paragraph I of Regulation L-11 should be sufficient for making necessary financial arrangements and for completing such preliminary construction work (trails, roads, etc.) as must be done before actual construction of the project works can be commenced. (See Regs. L-7 and L-14.) If, in constructing the project material deviations are made from the plan as filed, new maps and plans must be filed and approved. (Reg. L-15.)

If the applicant for a final permit holds a preliminary permit for the same lands, which permit has an earlier priority than any other permit, and makes a complete final application before the expiration of the preliminary permit, the priority date secured by the preliminary application is maintained under the final application.

The lines shown on the maps accompanying the final application will not be required to follow without change the lines as shown on the map accompanying the preliminary application, and the position and arrangement of conduits and power houses, as shown upon the map accompanying the preliminary application, may be changed if the detailed surveys preceding the final application show such change to be desirable; but priority from the date of filing of the preliminary application will be allowed for only so much of the projects shown in the application for final power permit as is within the approximate limits of diversion and discharge, as shown in the application for the preliminary power permit. (Reg. L-3.) An application for a final permit will not be accepted unless it complies with Regulations L-9 and L-11, or if the land applied for is held by a prior preliminary or final applicant or permittee. (See Regs. L-3 and L-4.)

To maintain a priority established by a final application, the stipulation must be filed (Reg. L-13) and the rental charges paid before the date specified by the district forester. In general the period allowed by the district forester will not exceed 60 days, and this will not be extended unless satisfactory reasons are advanced in a written request for extension, filed with the district forester prior to the expiration of the period first allowed. Priority will also be lost if the permit is revoked. After loss of priority no application will be received from the permittee or his successor for the same lands for a like use for the period of one year. (See Reg. L-3.) No credits will be given for deposits of rentals made under preliminary or final permit until operation of the project works has been commenced. No credit will be given for payments made under preliminary permits if the final permit is issued to other than the preliminary permittee. The rate at which the first payment under the final permit shall be levied will be 10 cents per horsepower per year if no preliminary permit for the same lands has been held by the final permittee. If the final permit succeeds a preliminary permit, the advancing scale of the preliminary permit will continue in effect until the beginning of operation under the final permit.

No rental charge will be made for primary transmission lines which are a part of a general power project included in the final power permit, or for any transmission, distribution, or service line which is used for municipal purposes, for irrigation, or for logging operations in connection with Forest Service timber sales.<sup>a</sup> If the plant under permit is not to be used exclusively for one or more of the purposes named, the full schedule rental charge for any calendar year will be collected prior to the beginning of operations, and the proper credits given after operation begins. (See Reg. L-8.)

If the application is rejected, either on account of prior rights to the same ground or because inconsistent with the public interest (Reg. L-4), or for any other reason that appears good and sufficient, the applicant or preliminary permittee will be allowed a definite period by the district forester in which to appeal. This period may be extended by the district forester if satisfactory reasons are filed with him prior to the expiration of such period. If the appeal is not filed within the given period, unless for good and sufficient reasons such period is extended by the district forester, the case will be closed.

The permit may be revoked because of loss of water rights or of permission to engage in the power business, as outlined in Regulation L-5.

The permit itself is not transferable, but the permission to occupy National Forest lands may be transferred under the conditions outlined in Regulation L-17. Prior to purchase or transfer of property under permit, the proposed successor should inquire of the district forester regarding any new and additional conditions that may be embodied in the new stipulation and permit.

No part of a power project under permit may be abandoned and the remainder retained except upon permission of the Secretary and fulfillment of all obligations.

No final permit will be terminated except upon formal revocation by the Secretary, because of the permittee's failure to comply with its terms, and then only after a reasonable time has been allowed the permittee to show cause why such revocation should not be made.

#### **Procedure.**

Upon receipt of the application, the date and hour of the receipt will be inserted in the space provided on Form 58a, and will be certified by the signature of the district forester.

Applications will be examined for completeness by the district engineer<sup>a</sup> in the order of their receipt. If any of the papers required by the regulation are incomplete or insufficient or if there have been any omissions, the district engineer will prepare for the signature of the district forester a letter to the applicant explaining the incompleteness or insufficiency or omissions, and return for completeness or correction any papers which are not in proper form. Upon the receipt of the amended or additional papers, the date and hour of such receipt will be certified by the district forester in the same manner as when they were originally received, and they will be reexamined by the district engineer. When the application is complete, he will certify to the fact in the space provided on Form 58a.

After the application is received in complete form an investigation of the status records will be made to determine whether or not there are any prior rights to the desired land which will require the rejection of the application. If no such rights exist, the priority date will be given or maintained. If the area is, in whole or in part, included in an existing final permit, the district forester will return the application to the applicant and will inform him of the existing permit and of the extent to which his application is in conflict. The applicant may then amend his application to avoid such conflict or may renew his application should the priority of application be lost by the prior applicant. If the final application is an original filing or is filed in accordance with the terms of a subordinate preliminary permit, and such filing is made before the filing of final application by a prior preliminary permittee, the district forester will retain the application but will suspend action thereon until after the filing of final application by the prior preliminary permittee or until after the termination of the prior preliminary permit. When the prior permittee has filed final application, if it is found that the application first in time is in conflict with the application first in right the district forester will return the former to the applicant and will inform him fully of the extent to which his application is in conflict with that of the prior permittee. The first-named applicant may then amend his application to avoid such conflict or may renew his application should the priority of application be lost by the other applicant. (See Reg. L-3.)

<sup>a</sup> See note on p. 26.



If the application is rejected and the case closed, a complete copy of the application will be retained for the files. Duplicates may be returned to the applicant.

When the application has been accepted, the district forester will forward to the forest supervisor one copy of the complete application (except of those papers of which only one copy is required to be filed by the permittee) and an extra print of the maps and plans for the district ranger. When the use involves the cutting or destruction of timber, a report will be made on Form 578b. The timber estimate may be made at the time the district engineer's examination is made or subsequently, as the supervisor shall determine, but in any event before the cutting or destruction takes place. A report on the application itself is required only when no examination and report by the district engineer is to be made or when it is probable that the construction of the proposed dam or other works may interfere with the marketing of National Forest timber. The detail of a lumberman or logging engineer from the district office should be secured if necessary. A report should be made promptly to the district forester in which the following points should be covered specifically in each case:

(I) Whether the construction of the dam or other works will interfere with the removal of timber from areas above the dam by preventing either the driving of the stream or the construction of necessary roads or railways.

(II) Whether the approval of the application will permit the monopolization of the only site or sites available for development for lumber operation and thereby prevent or discourage competitive bidding for adjacent timber.

(III) Whether any of the following are (a) absolutely necessary, (b) very advantageous, or (c) not essential for marketing the timber: (1) Floating or booming of logs across the reservoirs, (2) location of mill sites on reservoirs, (3) drifting of logs over dams, (4) rights of way.

(IV) What requirements are necessary for insertion in the stipulation in order to permit free competition for timber and to leave tributary timber at least as accessible after the construction of water-power developments as before.

If special construction will be necessary in order to insure the accessibility of National Forest timber, such special construction should be shown in detail upon the maps and plans. In so far as such special structures involve modification of permanent power structures the permittee will be required to build them at the time of building the works for power development. The construction of special facilities which do not involve modification of permanent power structures will not be required until such facilities are needed.

Unless a statement on file from the Reclamation Service renders such action unnecessary, the district forester will forward to the proper supervising engineer a print of the general map of location (see Reg. L-11 (E) (5)) and request him to state whether or not the granting of the desired permit will cause interference with any project of the Reclamation Service. (See instructions on p. 27.)

Unless the district engineer is thoroughly familiar with the project, he will make such field examination as may be necessary. If practicable, this examination will be made at the same time as that of the supervisor. The district engineer will collect all information and data bearing upon the case that may be available, and will determine whether the project as applied for will make a reasonably full development of the power available at the sites covered by the application.

The district engineer will then submit a report to the district forester describing the project in detail, with its relation to other projects of the same or allied or competing companies; state whether the project comprehends a full development of the available power; describe the market for the power and the general market conditions in the locality, so far as such information is available, and the relation of the power development to other interests, particularly irrigation. The report should present detailed estimates of the amount of power that will probably be developed and the complete data upon which such estimates are based. The report should designate the several items necessary for filling the blanks of the stipulation and permit, a recommendation of the total power capacity to be inserted in the stipulation, and such other recom-

mentations as may seem desirable. The report should be complete with respect to the history of the case and its connection with other cases, and to all pertinent, general, and special information, so that a full understanding of the case may be had and action taken without the necessity of referring to other papers except for purposes of verification. The report should also contain such sketch maps, topographic quadrangles, photographs, etc., as will be of assistance in giving a full understanding of the case. All the data filed with the application and all other data collected which have a bearing upon the case and upon the computation of capacities should be collated in tabular form in the report. This instruction should be rigidly adhered to, since it will be extremely important at the 10-year revision period to have in their original form the exact and complete data upon which the original calculations are based. If the chief engineer in reviewing the report of the district engineer makes alterations or corrections, or reaches different conclusions with respect to power capacity, or otherwise, the report of the district engineer should be corrected accordingly before the case is again submitted to the Forester; but if the district engineer, upon a reexamination of the case, disagrees with the changes made by the chief engineer, he may so state in his report, giving the reasons therefor, and he will not to such extent be considered responsible for the report.

In determining the amount of time to be given for such preliminary work as surveys, road and trail building, clearing of land, etc., and for the financing of the project, the district engineer should confer with the applicant before fixing the time limits, with the view of agreeing upon such limits as will be satisfactory to the applicant, while at the same time properly protecting the public interests.

Articles 4 and 5 of the power stipulation have been drawn for the purpose of allowing permittees to make progressive developments of two or more power projects upon the same stream or watershed if they so desire. Each division of the works as taken in these clauses should in general constitute a complete operating unit or power project. But where, for example, it may be the applicant's intention to construct several storage reservoirs not directly connected with the water conduits, each reservoir may be, and in general will be, taken as a distinct division of the works. Water conduits and the diverting dams and power houses connected therewith should never be separated.

Particular care should be exercised in the determination of the total capacity of the power site. All the available data should be secured, and where storage is to be used some graphical method, as that of Rippl or Hill, should be employed. The district engineer should review carefully the estimates presented by the applicant, and compare the same with his own independent estimates.

If upon receipt of the district engineer's report the district forester decides that a permit should be issued, he will prepare five copies of the stipulation on Form 61 and five copies of the permit on Form 62, omitting the amount of payment, the power capacities, and the dates for beginning construction and operation. If the application is approved by the district engineer and the district forester, they will initial the file copies of the stipulation and the permit. The district forester will send the Forester a copy of the complete application, two copies of the district engineer's report, two copies of the stipulation and of the permit (one each being the file copy), the correspondence file, and the original of the maps and plans. No blue prints need be sent.

If in the judgment of the district forester a permit should not be granted, he will submit all the papers in the case to the Forester, with a complete statement of his objections to the granting of the permit.

If any recommendation is made by the district forester for the protection of the timber interests on the area adjacent to water-power projects, the application will be referred to the Branch of Silviculture. If approved the file copy of the stipulation will be initialed.

The chief engineer will examine the papers received from the district forester, and if he approves the application, the recommendations of the district forester and the district engineer's report, he will insert in the stipulation the total storage and natural flow capacities and the limiting dates for beginning construction and operation, and will initial the file copy of the stipulation and of the permit. He will return to the district forester the correspondence file,



the original of the application, and the file copies of the stipulation, and the permit. If he does not concur, he will return them without his initial and with a letter to the district forester explaining his reasons for not concurring.

The district forester will send the applicant the original and one copy of the stipulation, and when necessary a form (319) for corporate officer's authority, with the request that the original copy of the stipulation be duly executed and returned to him. He will also send with the stipulation a statement on Form 861 of the amount of the first year's rental charge, and will by letter inform the applicant that any priority established under his application will be lost if the rental charges are not paid and the stipulation is not executed and returned before a date set by the district forester.

After the duly executed stipulation has been returned and has been initialed by the assistant to the solicitor, and after notice of payment has been received, the district forester will complete the preparation of the permit form and will submit to the Forester the executed stipulation, the original and file copy of the permit, and the correspondence file. If any material changes have been made in the stipulation or the permit since examination by the chief engineer, mention of such changes should be made by the district forester in the letter of transmittal.

Upon receipt of the papers the Forester will submit them with his recommendations to the Secretary. When the permit has been signed by the Secretary, the Forester will return to the district forester all papers except those needed for his files.

Upon transmitting the original permit to the permittee the district forester will send the supervisor a copy of the district engineer's report, two copies of the stipulation, and the permit, and a copy of the letter of transmittal (Form 861), with an indorsement thereon of the payments made.

If the application involves both National Forest and Interior Department lands, the special procedure outlined on page 42 will be followed.

Within 60 days from the issuance of the permit the district forester will notify the Commissioner of the General Land Office, as provided on page 42.

#### **FINAL APPLICATIONS AND PERMITS FOR PROJECTS OF 100 HORSEPOWER TOTAL CAPACITY OR LESS.**

##### **General.**

Permits for the occupancy and use of power sites having a total capacity of 100 horsepower or less may be granted, amended, extended, and renewed by the district forester. The Secretary alone may revoke. (Reg. L-1.) No rental charge will be made for such permits.

With the exception of the projects in the National Forests of Alaska, applications will be filed with the district forester and must conform to the requirements of Regulation L-12. Application for Alaskan projects may be filed either with the district forester or with the supervisor of the Forest within which the project will be located. In case of merely temporary developments, the district forester may in his discretion waive such portions of the regulation as are not necessary to the protection of the Government and to the permittee against subsequent applications. In case of small developments, particularly those for domestic uses, the district forester may in his discretion detail a forest officer to make the survey and prepare the map for the applicant. A compass and chain survey will be sufficient in such cases and in some instances nothing more may be necessary than a compass and pacing survey.

The data upon which priority of application is established is that upon which the last map or paper necessary to constitute a complete application as specified in the regulations is filed as above directed, provided there are no prior rights to the desired land.

If the application for a permit, or for an extension or amendment thereof is denied by the district forester, sufficient opportunity for appeal should be given the applicant.

The permits are of indeterminate length and are subject to revocation by the Secretary upon breach of conditions. (Reg. L-19.) No revocation will be made until the permittee has had ample opportunity to show why such action should not be taken.

The permits are not transferable. But in event of change of ownership of the properties on the National Forest land permission to occupy such land may be transferred in accordance with the instructions in Regulation L-17.

This form of permit is issued on the understanding that the total capacity of the site, computed in accordance with Regulation L-7 does not exceed 100 horsepower. Therefore, as one of the conditions of the permit, it will be provided that in event that the total capacity, by reason of amendments or changes in the plans, due to a greater available flow than the amount estimated at the time of granting the permit, or for any other reason, is found to exceed 100 horsepower, the permittee agrees to make application under Regulation L-11 for a new permit and to relinquish the free permit.

Such other clauses of Regulation L-14 will be inserted on the Form 832, on which the permit is written, as are necessary and applicable to the case.

#### Procedure.

Upon receipt of the application, the date and hour of the receipt will be noted on Form 58a and will be certified by the district forester. The application will be examined by the district engineer<sup>1</sup> to determine whether it conforms to the requirements of the regulation and whether the total capacity of the site is 100 horsepower or less.

In general, the power capacity can be determined sufficiently well for the purpose without a field examination. In such cases the district engineer will compute the power capacity approximately and insert such computation in the file, thereby making it clear whether a charge or a free permit should be granted. If a field examination is deemed necessary by the district forester, no further action toward acceptance, amendment, or rejection of the application will be taken until such examination has been made.

If the total capacity of the site is 100 horsepower or less but the application does not conform to the requirements in Regulation L-12, the application in whole or in part will be returned to the applicant with a letter explaining the incompleteness or insufficiency. If the capacity is found to be in excess of 100 horsepower the application will be returned and the applicant informed that an application in the form prescribed by Regulation L-10 or L-11 will be required. When again received, the date and hour of receipt will be certified in the usual manner, and a reexamination of the papers will be made by the district engineer. When the application is complete he will certify to the fact in the space provided on Form 58a.

When in complete form, the district forester will make an investigation for status to determine whether or not there are any prior rights to the ground rendering rejection or amendment of the application necessary. If such conflict exists, he will inform the applicant and allow him an opportunity to refile an application that can be accepted. If this is not done, the application will be rejected. (See p. 30.)

Unless a statement on file from the Reclamation Service renders such action unnecessary, the district forester will forward to the proper supervising engineer a print of the filing map and request him to state whether or not the granting of the desired permit will cause interference with any project of that service. The district forester will also send the supervisor two print copies of the filing map, a copy of the field notes, and such other papers as will be necessary to the field examination and report by the forest officers. A field examination by the district engineer will be made only when necessary, in the judgment of the district forester, either acting independently or upon request by the supervisor. If no field examination is to be made by the engineer such examination as is necessary will be made by the forest officers, who will submit a report in accordance with specific instructions of the district forester. This report will be prepared in quadruplicate, two copies being sent to the district forester. If any timber is to be cut or destroyed a report will be made on Form 578b, in accordance with the instructions on page 31.

In making the field examination, the supervisor or ranger should note especially the location and effect of the project with respect to other power develop-

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<sup>1</sup> See note on p. 26.



ments or to other uses of the water, such as irrigation, etc., and consider whether or not the land would be put to its highest use.

The outline of the report, as far as practicable, should be as follows: (1) Applicant: Name, address, and copartners if a partnership, or officers and directors if a company. (2) Location of project: With reference to land-office surveys and also to drainage, natural features, settlements, and other projects. (3) Description of project: Areas and capacities of reservoirs; type, height, and length of dam; length, size, and description of conduits; area of powerhouse site; proposed installation of machinery in horsepower; length, type, and voltage of transmission line. (4) Status of the land: Present status and also other permittees for the same land. (The report must be clear as to physical conflict with other properties or applications.) (5) Power market: Use to which power is to be put. (6) Effect on National Forest and on other present and proposed uses of land in vicinity. (7) Recommendations: Periods for beginning and completing construction, proportional part of year during which operation should be carried on and special clauses for the permit. If the report is made by the district engineer he will also include an estimate of the power capacity and present available data of stream flow, head, etc.

If upon receiving the report the district forester decides to issue a permit he will prepare a permit in quintuplicate on Form 832, in which will be inserted such items of Regulation L-14 as are suited to the conditions of the case. After approval he will send the original to the permittee, two copies to the supervisor, one to the Forester, and retain one for the district files. A print copy of the map of location and a copy of the field notes and report will also be sent to the Forester.

If the application involves land under the jurisdiction of the Interior Department, the district forester will, as far as applicable, follow the procedure outlined on page 42.

Within 60 days from the date of issuance of the permit the Commissioner of the General Land Office will be notified by the district forester. (See p. 42.)

#### TRANSMISSION-LINE APPLICATIONS AND PERMITS.

##### General.

Permits for transmission lines will be granted, amended, extended, and renewed (1) by the Secretary when such permit is supplemental to an existing permit for a power site of a total capacity exceeding 100 horsepower; (2) by the district forester when the line is to be used in connection with a power site (whether under permit or not) of a total capacity not exceeding 100 horsepower or when the connected load upon the line will not exceed 100 horsepower; (3) in all other cases by the Forester. The Secretary alone may revoke permits, and no revocation will be made without giving the permittee opportunity to advance reasons showing why such action should not be taken.

The transmission-line application may be included in the preliminary application for a power project of more than 100 horsepower. Otherwise only final applications will be accepted.

Unless the transmission line is made a part of or supplemental to a final permit previously issued, the transmission-line permit will terminate at the expiration of 50 years from the date of issuance of the permit, unless otherwise stated in the permit. However, such permit will give the holder a prior right to apply for a new permit, provided not less than 2 nor more than 12 years before the expiration of the 50 years he indicates that such new permit is desired. (See Reg. L-6.)

In the permit definite periods will be provided for the beginning and completion of construction and for the beginning of operation. No construction will be allowed prior to the granting of the permit.

The application for a transmission-line permit should be filed with the district forester (or with the forest supervisor if the land is in Alaska). If it is to be used in connection with a power plant exceeding 100 horsepower in total capacity, it will be prepared in accordance with Regulation L-11 and Regulation L-9 and will consist of an application in triplicate on Form 60; maps of location of the size and scale specified in and prepared in accordance with Regulation L-11 (E) (4), together with the key map or the transmission-line system described in Regulation L-11 (E) (5); copies of field notes in tripli-

cate, as provided in Regulation L-11 (F) a statement of the time required for the beginning and completion of construction; the engineer's affidavit and applicant's certificate; a certified copy of the articles of incorporation or of association (if not already filed), and if the applicant be a company a list of the officers and directors, and if the company is to operate in a State other than that in which incorporated a certificate as specified in Regulation L-9 (B) (unless such papers are already on file).

If the total capacity of the power site to which the line is to be connected, or if the connected load upon the line is 100 horsepower or less, the application may be prepared in accordance with Regulation L-12 and L-9. Unless otherwise directed by the district forester such application will consist of (1) a tracing showing the location of the transmission line within Forest boundaries, (2) field notes of the survey in triplicate, (3) an application in triplicate on Form 60, (4) the papers required by Regulation L-9.

No rental charge will be made for transmission lines when part of a power project of less than 100 horsepower or when they are to be used for municipal purposes or for irrigation or in connection with a timber sale or temporarily in the construction of other works under permit or for primary transmission lines when part of a power project under permit.<sup>a</sup> In all other cases, unless otherwise ordered by the Secretary, a rental charge will be made of \$5 per annum for each mile of line or fraction thereof of National Forest land crossed by the line. (See Reg. L-8.)

Except when the line is to be made a part of an existing permit, the date of priority will be that upon which the last map or paper necessary to constitute a complete application as specified in the regulations is filed as directed, provided there are no prior rights to the desired land.

After the rejection of an application for a permit or for an amendment or extension thereof opportunity will be given the applicant to appeal, but if such appeal is not filed within the time allowed by the district forester the decision will be final.

The permits are not transferrable. In event of change of ownership the instructions in Regulation L-17 should be followed if a right to use the land is desired by the successor in interest.

#### **Procedure.**

On receipt of an application for a transmission-line permit the date of receipt will be noted on Form 58a. The district engineer<sup>b</sup> will examine applications in the order of their receipt as certified by the district forester, with a view of determining whether the applications are complete as required by the appropriate regulations. If complete, the district engineer will certify to the fact in the space provided on the form (58a). If incomplete or insufficient, the district engineer will prepare for the signature of the district forester a letter to the applicant returning the application, or so much of it as is incorrect or incomplete, with a detailed statement of the incompleteness or insufficiency.

Upon the return of the amended papers the date and hour of their receipt will be certified by the district forester in the same manner as when they were originally received and a reexamination for completeness will be made by the district engineer. When the application is complete he will certify to the fact on Form 58a.

After the application is complete an investigation will be made to determine whether or not there are any prior rights to the desired land. If such rights exist, the applicant will be informed and allowed sufficient opportunity to amend the application if he so desires.

Upon the completion of the application the district forester will forward to the supervisor a copy of the application, except the items required by Regulation L-9, together with two prints of the maps. Upon the receipt of the maps and other papers the supervisor will forward a print of the maps to the ranger, will cause an immediate examination to be made, and will report to the district forester, which report will be made out in quadruplicate, two of the copies being sent to the district forester. If the use involves the cutting or destruction of timber, a report will be made on Form 578b. The timber

<sup>a</sup> Sentence modified; effective July 1, 1915. (36-L)

<sup>b</sup> See note on p. 26.



estimate may be made at the same time that the other examination is made or subsequently, as the supervisor shall determine, but in any event before the cutting or destruction takes place. A field examination and report by the district engineer will be made only when in the judgment of the district forester such examination and report are necessary. If the land to be used for the transmission line appears to be valuable for power or irrigation development, or any higher use of the land will be hindered materially or prevented, the supervisor should mention the matter in his report, and if deemed desirable request an examination by the district engineer.

Unless inapplicable or otherwise directed by the district forester, the ranger's or supervisor's report should be prepared in accordance with the following outline: (1) Applicant: name, address, copartners, if a partnership, or directors if a company. (2) Location of line: with reference to land surveys, to settlements, and to other transmission lines or power projects. (3) Description: length, type of construction; name and installed capacity of plant to which it is to connect; power market to be supplied and use to which power is to be put. (4) Status of land: amount of Forest land crossed, physical conflict with other properties or applications. (5) Effect on National Forest and on other present and proposed uses of land in vicinity. (6) Recommendations: periods for beginning and completing construction, and special clauses for permit.

Upon receipt of the supervisor's or the district engineer's report, the district forester will decide whether or not a permit should be issued.

If the permit is to be issued by the district forester, it will be prepared on Form 832 in quintuplicate and initialed by the district engineer. Such additional clauses from Form 68 will be inserted as are necessary. The original will be sent to the permittee, one copy to the Forester, and two to the supervisor. The Forester will also be sent a copy of the filing map, the field notes, and the report.

If the permit is to be issued by either the Secretary or the Forester, the permit (Form 63) and the stipulation (Form 68) will be prepared in quintuplicate.

<sup>a</sup> If the transmission line as applied for is a part of a power project under permit, the permit will be prepared for the signature of the Secretary, and both permit and stipulation will be considered as supplemental to the main power permit and stipulation. The case designation of the main permit will be used throughout, adding to such designation, if necessary, "transmission line." In addition to such designation (including date) there will be placed at the right-hand margin of Forms 63 and 68, page 1, a "date of priority," which will be the date of application for the transmission line described in the new application. As the supplemental permit will expire on the same date as the original, the permit should be revised to meet such conditions, and another article should be added explaining that the new permit is supplementary to a certain permit issued on a given date.

Originals of the stipulations and file copies of permits will be initialed by the district forester and the district engineer. If there are no unusual features in the case, and if the permit and stipulations require no change from the printed forms, the district forester may secure the initial payment and the execution of the stipulations before referring the case to the Forester. If, however, special features are involved or the forms require modification, the case will be referred to the Forester before submitting stipulations to the applicant. The original and one copy of the stipulation, the request (on Form 861) for the first year's payment (when a rental is to be required), and, when necessary, a form (319) for corporate officer's authority will be sent to the applicant, who will be informed that his priority right to the land covered by the application will be lost if the executed stipulation and the rental deposit are not received before a date set in the district forester's letter, unless for good and sufficient cause the time allowed by the district forester is extended upon a showing made by the applicant prior to the expiration of the period as originally determined by the district forester, or unless no other application for all or any part of the right of way has been received.

After the duly executed stipulation has been returned and has been initialed by the assistant to the solicitor, and after notice of payment has been received,

the district forester will forward to the Forester the executed stipulation, the original and file copy of the permit, the correspondence file, and the tracings. If the case has not been submitted before, extra copies of all papers required for the Forester's file, including copies of all reports, will be sent with the other papers.

After the permit has been executed by the Secretary or the Forester, as the case may be, the Forester will retain one copy each of the permit, stipulation, field notes, and report, and return the other papers to the district forester.

Upon receipt of the papers from the Forester, the original of the permit will be sent to the applicant and two copies of the permit and stipulation will be sent to the supervisor, with one copy of the Form 861 and, when made, one copy of the district engineer's report.

If the application involves land under the jurisdiction of the Interior Department, the district forester will, as far as applicable, follow the procedure outlined on page 42.

Within 60 days from the date of issuance of the permit the Commissioner of the General Land Office will be notified by the district forester. (See p. 42.)

## **APPLICATIONS UNDER ACT OF MARCH 4, 1911 (36 STAT., 1253).**

### **TELEPHONE, TELEGRAPH, AND POWER-TRANSMISSION LINES.**

#### **General.**

By the act of March 4, 1911 (36 Stat., 1253), the Secretary having jurisdiction over the land is authorized, under general regulations to be fixed by him, to grant an easement for rights of way for a period not exceeding 50 years from the date of issuance of the grant over public lands, National Forests, and reservations for poles and lines for telephone, telegraph, and electric-power transmission. The right of way is restricted to a strip 20 feet on each side of the center line. It is also provided that if any or all parts of the right of way covered by the grant is abandoned or is not used for a period of two years, the Secretary may declare the right forfeited.

Applications under this act should be filed with the district forester of the Forest Service district in which the desired lands are situated, with the exception that if the project is located in Alaska application may be filed with the forest supervisor. If the desired right of way includes public lands under the jurisdiction of the Interior Department as well as National Forest lands, the regulations of the Department of the Interior require that a separate application in accordance with the regulations of that department be filed with the local land office of the land district in which such lands are situated.

Applications filed in error with the Forester, supervisor, or ranger will be forwarded to the district forester concerned. With the exception of projects in Alaska, no priority will be obtained until the complete application is received by the district forester. An applicant for National Forest land in Alaska will obtain a priority by filing a complete application with either the district forester or the forest supervisor.

While the maximum length of the grant is limited to 50 years, shorter periods may be given.

The application should conform to the requirements of Regulations L-11 and L-9, as amended by Regulation L-22 to include two tracings and an engineer's affidavit and applicant's certificate on each tracing. The maps of location will be prepared as outlined in Regulation L-11 (E) (4) and the general directions of the regulation, and when the entire line can not be shown on a single sheet will also include the index map described in Regulation L-11 (E) (5).

Unless otherwise ordered by the Secretary, a rental will be charged for National Forest land crossed by power-transmission lines. This will be paid prior to the granting of the right of way, but will cover the period of one year subsequent to the date of granting the easement. The annual payment will be \$5 for each mile of National Forest land crossed by the line and \$5 for each fraction of a mile.

No rental will be charged for the telegraph and telephone rights of way, but certain conditions to the grant, specified in Regulation L-24, may be made.

Prior to the issuance of the grant the applicant will sign a stipulation which will be presented to him by the district forester, and which will in general conform to Regulation L-25. No construction work will be allowed until after the



issuance of the grant. A definite period will be stipulated for the completion of construction.

Although the Secretary by the terms of the act may declare the grant forfeited if the rights of way are abandoned or not used for a period of two years, forfeiture for failure to comply with the terms of the grant requires judicial proceedings.

#### Procedure.

On receipt of applications for rights-of-way grants the district engineer<sup>1</sup> will examine them in the order of their receipt as certified by the district forester, with a view of determining whether the applications are complete as required by the regulations. If complete, the district engineer will certify to the fact in the space provided on the form (58a). If incomplete or insufficient, the district engineer will prepare for the signature of the district forester a letter to the applicant returning the application, or so much of it as is incorrect or incomplete, with a detailed statement of the incompleteness or insufficiency. Upon the return of the amended papers the date and hour of their receipt will be certified by the district forester in the same manner as when they were originally received.

Upon the completion of the application, the district forester will forward to the supervisor a copy of the application, together with two prints of the maps. Upon their receipt the supervisor will forward a print of the maps to the ranger, will cause an immediate examination to be made, and will report to the district forester. The report will be made in quadruplicate, two copies being sent the district forester by the supervisor. In general the report will correspond to that outlined on page 37. If the use involves the cutting or destruction of timber, a report may be made at the same time that the other examination is made, or subsequently as the supervisor may direct, but in any event before the cutting or destruction takes place. A field examination and report by the district engineer will be made only when in the judgment of the district forester such action is necessary. If the rights of way appear to be valuable for power or for irrigation development, or if any higher use of the land will be materially hindered or prevented, the supervisor should mention the matter in his report and, when deemed necessary, request an examination by the district engineer.

Upon receiving the supervisor's report, the district forester will prepare five copies of the stipulation on Form 69. If the application is for a telephone or telegraph line, he will add such special conditions as may be necessary in order to secure such facilities for forest officers or such use of the lines and poles of the applicant as may be necessary or convenient in the conduct of National Forest business, or as may aid in the protection of the National Forests. The file copy of the stipulation will be initialed by the district forester and the district engineer.

The district forester will then send to the Forester the correspondence file, the original and one copy of the application, with the duplicate tracings, the original and one copy of the stipulation and two copies of the supervisor's or district engineer's report. No print copies of the original tracings need be sent. He will also send his recommendations relative to the granting of the easement and the length of the grant.

If the granting of the easement and the preparation of the stipulation are acceptable to the chief engineer, he will initial the file copy of the stipulation and will return this with the correspondence file and the original application to the district forester. He will temporarily retain the tracings.

Upon receipt of the papers from the Forester, the district forester will send the applicant the original and one copy of the stipulation, the request for one year's payment on Form 861 (when the application is for a power-transmission line) and, when necessary, a form (319) for corporate officer's authority to sign the stipulation. The applicant will be informed that his priority right to the land covered by the application will be lost if the executed stipulation and the rental deposit are not received before a certain date named in the district forester's letter, unless upon a satisfactory showing filed prior to said date, an extension of time is given by the district forester or unless no other application for the same land, in whole or in part, has been filed in the meantime.

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<sup>1</sup> See note on p. 26.

After the duly executed stipulation has been returned and has been initialed by the assistant to the solicitor, and after notice of payment has been received, the district forester will send the original of Form 861 to the applicant and will send to the Forester the correspondence file and the original stipulation. The Forester, if he approves the form of the stipulation and the issuance of the grant, will send to the Secretary his recommendation and also the duplicate tracings prepared for the Secretary's signature. The indorsement by the Secretary upon the original tracings will constitute the grant of the right of way.

Upon the return of the papers from the Forester, the district forester will forward to the grantee one original tracing and will retain the other for his own files. He will also inform the supervisor by letter of the date and the signature constituting the approval of the Secretary, and will send him a copy of the stipulation and of Form 861.

## OFFICE PROCEDURE AFTER GRANTING OF PERMITS AND EASEMENTS.

It is extremely important that the cumulative record be accurate and up to date. Therefore entries will be made either on a blue-print or on a white-print copy of the tracing, such entries being made at the time the action outlined on the report is taken or when the engineering data have been finally determined.

On July 1 and January 1 of each year blue-print copies of the record will be sent to the Forester, prior to which time the sheets will be checked and the tracings made to correspond with the daily records.

The cumulative record will include a complete list of all complete applications to the Forest Service for permits and grants under the acts of May 14, 1896, February 15, 1901, March 4, 1911, and under special acts of Congress conferring rights of way in the National Forests. The dash will be used when the action noted in the caption was not taken; a question mark will be used when the action was taken, but the date is not known; the parentheses will be used to indicate an approximation. After a case is closed there will be inserted in the "Remarks" column the reason for such closing (such as "Permit transferred to -----, priority No. —"), and the space, including the priority number of the closed case will be blacked in on the tracing.

An adequate promise card system will be maintained by the district forester covering every obligation of the permittee specified in the permit or stipulation. The supervisor will also keep promise cards for beginning construction and operation, for continuance of construction or operation, and otherwise where necessary.

Sixty days and again at 30 days before the date set in the preliminary permit for the filing of the final application the attention of the permittee will be directed to articles 1 and 6 of the preliminary permit. If at the termination of the period allowed for filing the final application, or any extension thereof, approved by the Secretary, the complete application has not been received, the permit will be terminated and the case closed. The permittee will be notified of this action, carbon copies of the letter being sent to the Forester and supervisor, with an extra copy for the ranger. The Commissioner of the General Land Office should also be promptly notified.

Sixty days and again at 30 days before the time set in the final permit for the beginning or the completion of construction on power projects and transmission lines the permittee will be advised of his obligation and his attention called to the articles in the stipulation corresponding to Regulations L-16 and L-19.

In order that the district forester may know whether the terms of the stipulation and permit are being complied with, the supervisor should keep himself fully informed of the progress of the work. Immediately upon the date specified in the stipulation upon which construction should begin he will make an examination and will report to the district forester whether the construction has begun. He will also ascertain from time to time thereafter whether the works are being constructed with due diligence and in substantial agreement with the maps and plans, and in case of doubt should call for an examination by the district engineer. Immediately on the date specified in the stipulation upon which operation should begin he will make an examination and will report to the district forester whether such operation has begun. He will also keep the



district forester fully advised of compliance with the miscellaneous requirements of the stipulation, such as protection of telephone and telegraph lines, keeping rights of way clear, disposal of brush, replacement and repair of trails, payment for timber cut or destroyed, and, if demanded by the Secretary, measurement of water and power output. On June 15 and on December 15 of each year the supervisor will report to the district forester for each permit on his Forest as to the status of construction and operation and compliance with the terms of permit.

In order that the district forester may be informed of the power situation in the whole district, the supervisors will forward from time to time whatever information they are able to collect, formally or informally, concerning costs of generation of power, the returns from its sale, the interrelations of the various companies, transfers of rights, water locations, etc. The date and source of all such information should be given, with the supervisor's opinion of its reliability.

On November 15 of each year the district forester will prepare and send by registered mail to each permittee a statement of account on Form 64. Prior to this date the district engineer will examine the status of the lands under permit, and when necessary will make changes in the rental capacity, as provided for under Regulation L-8. The statement of account will show the amount of charge for the succeeding calendar year and the credit, if any, on account of previous payments. If a balance is due from the permittee, the statement will be accompanied by a letter of transmittal (Form 861). The district forester will retain two carbons of the statements and the Form 861. Upon receipt of payment the date of such payment will be indorsed upon the file copies of the Form 861. The original will be sent to the permittee and one copy of the statement and of the Form 861 to the supervisor for his files.

The original notice of payment of charges due will name the date upon which payment will become due, but not the date upon which it will become delinquent. If payment is not received within 30 days of the date due, a second notice should be sent, in which the delinquent date should be named. In the case of final permits this action should be repeated at 30-day intervals. If payment has not been made on final permits on the delinquent date, the permittee will be served with a written order to show cause why the permit should not be revoked, the answer to which should be returnable in not to exceed 30 days.

Upon failure to make payments on preliminary permits within 60 days of the date due, the permit will be terminated and the case closed, in accordance with Regulation L-8. The permittee, Forester, supervisor, and General Land Office will be informed of the action taken.

Unless authority is given in the regulations, no waiver of any of the terms of the permit may be made except by the Secretary. Upon failure by the permittee to comply with the permit, his attention will be called to such noncompliance, and also to the provisions of Regulation L-19. He will be informed that any arguments which he may care to advance showing why revocation should not be made must be filed within a period named in the district forester's letter (which period will not generally exceed 60 days), and that his claim will be given careful consideration. No revocation will be recommended until a sufficient hearing has been given the permittee.

All recommendations by the district forester for cancellation of the permit, either in whole or in part, and all recommendations for approval or disapproval of applications for extension of time, either for the beginning or completion of construction, shall be accompanied by a report setting forth in detail the reason for such recommendations and shall be submitted to the Forester. Whenever engineering difficulties are involved the district engineer will make such examination as is necessary and prepare a report to accompany the recommendations of the district forester. A draft of revocation or order of extension of time will be prepared by the district forester, and will be initialed by him, by the chief of lands, and by the district engineer.

Appeals from decisions of the district forester and of other officers will, when filed with the district forester, be promptly forwarded to the Forester, together with the correspondence file and other necessary data. If the appeal is from his decision, he will send also such answer to the appeal as he may desire to make.

At intervals of not longer than a year the supervising engineer of the Reclamation Service districts, including in whole or in part the Forest Service districts, will be requested by the district forester to inform him in writing of the drainages in which the Reclamation Service is willing to waive the reference to it of the application plans.

**" PROJECTS INVOLVING BOTH THE NATIONAL FORESTS AND THE PUBLIC DOMAIN.**

When an application includes, in addition to National Forest lands, lands under the jurisdiction of the Interior Department, the district forester will, upon the completion of the application, prepare a letter for the signature of the Forester, addressed to the Director of the Geological Survey, informing him of such completion and of date of priority, and will send a carbon copy of such letter to the applicant. The date named in this letter will be taken as the priority date, both for the Department of Agriculture and the Department of the Interior.<sup>b</sup> If it appears that the applicant is not advised that lands under the jurisdiction of the Interior Department will be needed by him for the project, or if he is in ignorance of the fact that application must be made to that department before the right to use the land can be obtained, he should be informed that a permit may be obtained from the Interior Department for the public land outside the jurisdiction of the Department of Agriculture, and should also be informed that in order to maintain his priority for the National Forest land such application should be made within a definite period, as stated in the district forester's letter. In general this period should not exceed 60 days.

In preparing his report the district engineer will specifically state that land under the jurisdiction of the Interior Department will be needed. He will calculate the total capacity of the power site and the rental capacity of the National Forest land, or, in the case of a transmission-line application, the charge for the National Forest land, and will leave to the Geological Survey the computation of charges for the use of the other public land.

One extra copy of the district engineer's report, of the permit, and of the stipulation will be made. These will be sent to the Forester at the time the papers are forwarded for examination by the chief engineer. If the application is approved by the Forester, he will forward to the Geological Survey the extra copy of the permit and the stipulation, and also one copy of the district engineer's report, together with a statement of the recommendations which the Forest Service proposes to make. If the Geological Survey approves the calculations of the district engineer and the terms of the permit as applied to the Interior Department lands involved, the Forester will so inform the district forester, who will thereupon prepare and submit a letter of transmittal (Form 861) to the applicant for the advance charge for the National Forest land only. Thereafter the case will be handled by the Forest Service as if only National Forest lands were involved.

If the Geological Survey should not approve the calculations and recommendations as applied to the Interior Department lands, and it should seem advisable to make alterations or corrections in either the permit or the report as applied to National Forest lands, the Forester will return the papers to the district forester, with a statement of the corrections or alterations desired. When such changes have been made the district forester will prepare the letter of transmittal and handle the case as before.

**" PROJECTS INVOLVING LAND INCLUDED IN A RESERVE.**

Whenever it appears that any of the land desired by the applicant is included in areas withdrawn from settlement, location, sale, or entry, under the act of June 25, 1910 (36 Stat., 847), entitled "An act to authorize the President of the United States to make withdrawals of public lands in certain cases," as amended by act of Congress approved August 24, 1912 (37 Stat., 497), mention of this withdrawal and the purpose for which the reserve was created will be made in the district engineer's report. Prior to the issuance of the permit or easement the Forester will prepare an order of modification for the approval of the Secretary and the signature of the President. After signature, copies of the order will be forwarded to the General Land Office for information and record.<sup>c</sup>

**COPIES OF MAPS FOR GENERAL LAND OFFICE.**

After the issuance of any preliminary or final permit for power purposes, including transmission lines, involving National Forest lands only, or after

<sup>a</sup> Title modified; effective July 1, 1915.

<sup>b</sup> Sentence modified; effective July 1, 1915.

<sup>c</sup> Paragraph amended; effective July 1, 1915.



the approval of any grant for rights of way across such lands under the act of March 4, 1911, the district forester will send to the Forester one print copy of the general map of location for the Commissioner of the General Land Office and one for each land district in which the project is located. The map will be accompanied by a letter prepared for the signature of the Forester. The letter will state the date on which the permit was issued or the grant approved, the duration of the permit or the grant, the character of the use, the name and address of the applicant, the date of priority, and the act under which the permit or grant was issued.

The Commissioner makes entry of such permits and grants on the tract books of the Land Office. After such entry the final disposal of the tract traversed by the right of way will not be considered a revocation of the permit or of the grant unless or until the permit or the grant shall have been specifically revoked as provided for in the act of February 15, 1901 (31 Stat., 790), or in the act of March 4, 1911 (35 Stat., 1253), respectively. (See letter of the Secretary to the Commissioner of the General Land Office, Aug. 23, 1912, 41 L. D.)

When the permit is revoked or terminated, the district forester will prepare a letter to the Commissioner for the signature of the Forester. In this the date of the revocation will be noted.





# SPECIAL USES.

## REGULATIONS.

<sup>a</sup> REG. L-31. All uses of National Forest lands and resources, except those specifically provided for in regulations governing water power, timber sales, timber settlement, the free use of timber, and grazing, will be designated "special use." Permits for special uses, except for the excavation of antiquities under the act of June 8, 1906, and except for the lease of lands under the act of February 28, 1899, and the use of land under the act of March 4, 1915, may be granted, extended, and renewed by the Forester, the district forester, or the forest supervisor, with such conditions as to area, time, charges, and other requirements as may be provided for by these regulations, or as may be deemed necessary to protect the National Forest. Permits for the excavation of antiquities under the act of June 8, 1906, and for the lease of lands under the act of February 28, 1899, will be granted by the Secretary of Agriculture only. Permits for the use of lands under the act of March 4, 1915, will be granted by the Forester or district forester only. Special-use permits granted by the forest supervisor may be revoked by the district forester. Those granted by the district forester may be revoked by the Forester, and those granted by the Forester and Secretary of Agriculture may be revoked by the Secretary of Agriculture only. Appeal will lie in the first instance to the district forester, from his decision to the Forester, and from his decision to the Secretary of Agriculture, in all matters covered by these special-use regulations.

REG. L-32. No charge will be made for the following classes of special-use permits:

- (a) Excavation of antiquities under the act of June 8, 1906.
- (b) Agricultural use by applicants having preference rights under the act of June 11, 1906, pending the opening of land to entry.
- (c) Schools, churches, and cemeteries.
- (d) Cabins for use of miners, prospectors, stockmen in connection with grazing permits, trappers of predatory animals exclusively, and other permittees for temporary use in connection with other authorized uses, provided that stockmen's cabins used during the entire year as headquarter ranches will be classified as residences and charged for accordingly.
- (e) Corrals, stock tanks, shelters, and drift, division, or other fences required for the proper management of the special-use permittee's stock which do not give control of range to the exclusion of stock otherwise entitled to its use.
- (f) Dipping vats where no toll is charged.
- (g) Inclosures allowed under Regulation L-37.
- (h) Sawmills sawing principally timber obtained from the National Forests.
- (i) Conduits, dams, reservoirs, pumping stations, or any water development project for watering stock, irrigation, mining, municipal, or domestic water supplies.
- (j) Roads and trails (which must be free public highways).
- (k) Logging railroads, flumes, tramways, inclosures, and other improvements necessary to the manufacture of timber obtained principally from the National Forests.
- (l) Telephone lines with free use and free connection by Forest Service.
- (m) Telegraph lines with free use of poles for stringing Forest Service telephone lines.
- (n) Stone, earth, and gravel used for projects constructed under permit, and to bona fide settlers, miners, and prospectors for building purposes by such persons.
- (o) Sewage systems.
- (p) Fish hatcheries of a noncommercial nature.
- (q) Camp-fire permits (on Forests where required).
- (r) Public uses by any department or branch of the Federal or State Governments, including municipalities where no profit is to be derived from such uses.

<sup>a</sup> Regulation amended; effective Apr. 1, 1916.  
<sup>b</sup> Paragraph amended; effective Apr. 1, 1916.  
<sup>c</sup> Paragraph amended; effective Apr. 1, 1919.

(45-L) <sup>d</sup> Paragraph added; effective Apr. 1, 1916.  
<sup>e</sup> Paragraph added; effective Jan. 1, 1919

<sup>a</sup>REG. L-33. The occupancy and use of National Forest land or resources under a special-use permit, except as provided in Regulation L-32, shall, unless otherwise authorized by the Secretary of Agriculture, be conditioned upon the payment of a charge. The following rates of charge shall be observed for the classes of uses stated, but for other classes the rates may be determined by the district forester:

Kinds.	Rates per annum.	Explanation.
Agricultural and cultivation.	25 cents to \$3 per acre. Not less than \$2 for any permit.	Not to exceed 160 acres to any one permittee. (Free to preferred applicants under the act of June 11, 1906.)
Apiaries.....	Minimum \$10 and 10 cents per hive for each hive over 100.	1 to 3 acres. Hives to be counted in April and payments due May 1 each year. Proportionate charges made for fractional years.
Barns, garages, and stage stations.	\$5 to \$25, and up.....	2 acres or less (stage stations without hotel features).
Dipping vats (toll vats)...	\$10 to \$20, and up.....	2 acres or less. (See (f) Reg. L-32.)
Fish hatcheries (commercial).	\$10 to \$50, and up.....	2 to 40 acres. (See (p) Reg. L-32.)
Gravel.....	5 cents to 10 cents per cubic yard, not less than \$2 for any permit. Special rates on area basis.	(See (n) Reg. L-32.)
Hay cutting.....	25 cents to \$2 per acre. Not less than \$2 for any permit.	
Hotels and resorts.....	\$25 to \$250, and up.....	1 to 10 acres. Not to exceed 5 acres under term permits.
Limekilns.....	\$10 to \$25, and up.....	1 acre.
Oil and gas pipe lines..	\$5 per mile or fraction thereof. No permit less than \$5.	
Pastures.....	4 cents to \$1 per acre. Not less than \$2 for any permit.	Not over 320 acres to any one permittee. <sup>1</sup> (Charge is in addition to regular grazing fee.)
Railroad and trolley lines.	\$5 per mile or fraction thereof. No permit less than \$5.	(See (k) Reg. L-32.)
Residences.....	\$5 to \$25.....	$\frac{1}{4}$ to 5 acres, depending on local conditions.
Sawmills.....	\$10 to \$200, and up.....	1 to 10 acres. (See (h) Reg. L-32.)
Slaughterhouses.....	\$10 to \$25, and up.....	1 to 3 acres.
Stores and similar enterprises.	\$10 to \$50, and up.....	$\frac{1}{4}$ to 5 acres, depending on local conditions.
Tramways (aerial).....	\$5 per mile or fraction thereof. No permit less than \$5.	(See (k) Reg. L-32.)
Theaters, billiard halls, bowling alleys, etc.	\$10 to \$50, and up.....	$\frac{1}{4}$ to 5 acres, depending on local conditions.

<sup>1</sup> The limit of 320 acres for pastures shall be observed in all cases except where the applicant holds a permit to graze more than 200 head of cattle or their equivalent in other stock, in which case an area of 1 acre for each head of stock in excess of 200 may be allowed; provided, however, in Arizona and New Mexico 320 acres may be allowed for 100 head of permitted cattle or their equivalent in other stock, and 2 acres may be allowed for each head in excess of 100.

Compensation for the use of lands under the act of February 28, 1899, for hotels and dwellings adjacent to mineral and medicinal springs shall be determined by the Secretary of Agriculture.

In case of sale of improvements and reissuance or transfer of permit to the purchaser, any payments made upon the original permit may apply on the new permit, in the discretion of the forest officer issuing the permit.

REG. L-34. In serious emergencies for the protection of life or property National Forest material may be taken without previous permit, provided a permit for the material so used and for the special use involved is subsequently secured at the earliest opportunity.



<sup>a</sup> REG. L-35. The forest supervisor may, in his discretion, issue permits to any road district, county, person, or corporation for the free use of earth, gravel, and stone for the construction or maintenance of roads or trails when such roads or trails will be a benefit to the public.

<sup>b</sup> REG. L-36. Roads over National Forest lands may be constructed, changed, widened, or repaired by States or counties without permit, but the authorities constructing such roads must dispose of all timber and debris resulting from construction or maintenance as directed by the forest officers. With this exception, permits are necessary for the construction of all roads over such lands. Existing roads not maintained by either State or county may be repaired without permit. Trails may be constructed without formal permit if done with the consent and under the supervision of a forest officer, except that in the National Forests in Alaska such consent and supervision will not be required. No toll shall be charged for the use of roads or trails over such lands and the same shall be open to free public use at all times unless otherwise specially authorized by the Secretary of Agriculture.

REG. L-37. Persons who own or have leased from the owners unfenced lands within the National Forests may, upon waiving their right to the exclusive use of such private land and allowing it to remain open to other stock grazed on National Forest lands under permit, be permitted without charge to inclose and use not to exceed 320 acres of National Forest land when such an arrangement will be advantageous to the administration of the National Forest.

The application must be accompanied by a personal certificate of title showing the description and ownership of the land and, if leased from an owner, a copy of the lease, and must describe the National Forest land it is desired to occupy. Permits will be subject to the same restrictions as those issued under other regulations.

<sup>c</sup> REG. L-38. <sup>d</sup> Term permits under the act of March 4, 1915, may be granted by the district foresters for periods not in excess of fifteen years to responsible persons or associations desiring to occupy lands in the National Forests for the purpose of constructing thereon summer homes, hotels, stores, or other structures needed for recreation or public convenience when the contemplated improvements do not exceed \$2,500 in value. Other permits under the act will be granted by the Forester.

All permittees will be required to comply with the regulations of the Department of Agriculture relating to the National Forests and when the permit is for a business enterprise will be required to comply with the State laws and conduct the business in an orderly manner.

A reasonable annual rental fixed by the Forester or district forester will be charged for the use of the land occupied.

A permit may be transferred with the approval of the officer who granted it, or his successor. Hotels and resorts may be sublet with the approval of the district forester.

As to public-service enterprises, such as hotels and resorts, the permittee will be required to conform to such regulations respecting rates and service as the Secretary of Agriculture may make in the interest of the public.

## INSTRUCTIONS.<sup>e</sup>

### PROCEDURE.

#### Applications.

Applications may be made orally or in writing, as required by the supervisor. Where written applications are required, Form 866 will be used. Term-permit applications must be in writing and should state the approximate cost of the improvements contemplated. If the application is for a hotel, summer resort, or residence under a term permit, it must be accompanied by plans and specifications of the proposed structures. Forest officers should assist in preparing applications and advise applicants of the probable terms of the permit, but should also tell them that it is within the discretion of the supervisor, district forester, or Forester to modify those terms.

Special-use permits should not be referred to as leases. The only leases are those under the act of February 28, 1899.

<sup>a</sup> Regulation amended; effective July 1, 1915.

<sup>b</sup> Regulation amended; effective Apr. 1, 1919.

<sup>c</sup> Regulation added; effective Apr. 22, 1915.

(47-L)

<sup>d</sup> Paragraph amended; effective Apr. 1, 1916.

<sup>e</sup> Instructions modified; effective Apr. 1, 1916.

## REPORTS.

### Ranger's Report.

With the following exceptions the supervisor will, upon receipt of an application, require from the ranger a report upon Form 964:

1. Where the land has been previously reported upon.

2. In cases involving free occupancy for agricultural purposes of lands which have been examined and favorably reported on under the act of June 11, 1906. In this case settlement report and map will be deemed sufficient, but a reference to it should be made in the special-use case.

3. When the supervisor believes it desirable in connection with an application to survey and report upon a tract, block, or group of summer-home sites and a more detailed and complete report is required than that made for individual cases on Form 964.

When a use involves the cutting and destruction of timber in excess of \$100 in value and estimate sheet (Form 578b) and Forest description (Form 578a) will be required. These reports may be made either at the time the report is made on Form 964 or at any time prior to the cutting or destruction of the timber, as the supervisor may determine, and should cover only the area on which timber will be cut or destroyed. Copies of all the reports should be retained by the ranger.

When the use is of minor importance and is in a locality where survey lines or corners are either unknown or difficult and costly to locate and there is no doubt as to the ownership of the land, forest officers should avoid expensive surveys in order to determine the exact locations with reference to legal subdivisions. When an accurate survey is required, the instructions for term-permit surveys should be observed.

### Report on Term-Permit Applications.

Except where the land has been surveyed and reported upon in a general report, the supervisor will cause a report to be made on Form 964 and a survey to be made by a forest officer of the land which is desired and it is recommended the applicant may be allowed to use. Whenever possible a forest officer should examine the land in company with the applicant, so that there will be no misunderstanding as to the land that is wanted. The examiner's report should include a recommendation as to the amount of the annual charge and his reasons therefor. In reporting on applications for hotels or resorts he should also state what he knows about the financial ability of the applicant to carry out his plan and the location of the hotel and resort with respect to other like places, as well as any other fact which would be of assistance to the granting officer in acting on the application.

### Special Reports.

Recreation uses are increasing so rapidly on many Forests that it is found necessary to survey, plot, and mark on the ground in advance of application lots, blocks, and groups of blocks suitable for summer home and resort permits. Since permits may be issued in such areas under a term permit or an ordinary special-use permit, it is desirable that the work be carefully done. Surveys of such tracts should be made in accordance with the instructions for term-permit surveys.

The report on such an area, while more general in character, should ordinarily be more complete and comprehensive than that on an individual case. The general report may, if desirable, be supplemented by a separate short report on each lot in the tract.

In the general report much information not called for in Form 964 will be necessary in order to have on hand the information that prospective permittees may desire.

Reports of this character may, when desirable, be prepared on large sheets in the form now used for land-classification reports. The reports and accompanying plats or maps may be bound in an atlas binder. From time to time as other tracts of this kind are laid out the reports may be included in this binder, and by use of a Forest proclamation diagram as an index map in time a valuable special-use working plan of the Forest may be built up.



#### Maps.

Maps need not be prepared unless specifically required by the supervisor. Since conflicts are determined by field examination rather than from the record and maps, the latter, except in the case of term permits and the more important and larger uses, are of little value. For large, important uses accurate and detailed maps may be required of applicants. For the ordinary case rangers should use either atlas or U. S. G. S. sheets or Forms 878 or 878a in preparing their maps, and the care with which they are made should be regulated by the purposes to be served. Where there is need of careful work it should be done, but artistic maps are unnecessary. For all term permits and for the more important terminable permits, especially where summer home and summer resort tracts are concerned, the instructions for making term-permit-survey maps should be followed.

#### Marking Boundaries.

Whenever the land to be occupied will not be inclosed, the field officer should mark the boundaries, if practicable, in order to avoid disputes. Such marking should be done preferably by setting corner stakes or stones rather than by blazing trees.

In the case of term permits or where accurate boundary marking is necessary, the instructions for making term-permit surveys should be observed.

#### Reference to Reclamation Service.

If a special-use permit, other than a permit for a stock tank, involves the storage or diversion of water within a watershed from which the Reclamation Service obtains a supply of water, the supervisor will ascertain from the proper project manager of the Reclamation Service whether the proposed storage or diversion will interfere with any project of the Reclamation Service. No permits will be issued which are objectionable to the Reclamation Service. District foresters will inform the supervisors in their respective districts of watersheds in which the Reclamation Service is interested.

#### Sanitation.

Every precaution must be taken by forest officers to protect the public health, and before recommending the issuance of a permit its effect on the water supply must first be considered, and, when necessary, special stipulations to prevent pollution will be incorporated in every permit. In permanent camp, resort, and similar occupancy cases latrines must be dug at suitable locations remote from water and in compliance with State law. Camp refuse must be disposed of either by burying or by burning. A strict compliance with Regulation P-4 shall be insisted upon.

#### Highest Use.

National Forest land should not be devoted to an inferior use so as to preclude a higher one. For instance, after the issuance of a pasture permit the area may be applied for as a reservoir site for the water supply of some community. In such cases the district forester should exercise his discretion and revoke the permit, and if possible grant another area for pasture purposes. The welfare of the community or the number of people benefited should be the determining factor rather than the amount of money to be received for the use.

Cases in which a higher use can be foreseen need not preclude its temporary occupancy for an inferior use, provided the applicant is willing to accept an uncertain tenure. In permits of this class the following clause should be inserted:

"This permit is issued subject to cancellation in the event an application is filed involving a higher use of the land."

#### AREA LIMITS OF SPECIAL USES.

The area of the tract to be occupied must, within certain limits, be decided by the field officer, but it should always be borne in mind that National Forest resources are to be used in a way that will make them of largest service, and that largest service means greatest good to the greatest number. Permits should not cover more land than is actually needed for the purposes desired. This is essential not only as a matter of good business policy, but to prevent monopoly and provide for future demands.

#### Rejection of Applications.

If the supervisor rejects a special-use application, he will at once inform the applicant by letter, stating the reason for rejection, and notifying him

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that he is allowed 30 days from date of notice to file with the supervisor a request for a review by the district forester of the action taken. If no petition or application for review is filed within the time stated the case will be closed.

In the event of an appeal the entire record should be forwarded to the district forester for his action.

#### **Tenure of Permits.**

Term permits under the act of March 4, 1915, special-use permits under the act of June 8, 1906, and leases under the act of February 28, 1899, will be issued for specific periods.

Permits for the construction of roads and trails, for the use of gravel, stone, earth, and other resources, and for the cutting of hay, will be issued for a certain definite period, allowing time for the accomplishment of the purposes of the permit.

Other special-use permits will be revocable at the discretion of the district forester, Forester, or the Secretary of Agriculture.

Special-use permits issued to applicants in connection with grazing permits allow possession for the whole year, but the privilege of use only during the period covered by the grazing permit. Such special-use permits need not be closed at the end of the grazing season if the grazing permits are to be renewed the following year.

#### **Bonds.**

As a general rule bonds will not be required in connection with special-use permits. Dependence should be placed upon the stipulations in each permit to prevent damage to the Forest, and a bond should be required only when the permittee needs a continuous warning of the danger to the Forest. Form 377, with appropriate changes in wording, should be used. After execution and before approval the bond and permit should be forwarded to the district forester for review. (See general instructions under Regulation S-11.)

### **RENTAL CHARGES.**

There is imperative need of standardizing the principles and methods to be followed in determining special-use charges, not only on individual Forests, but between them. In general, the charge should be based upon a fair ground rental of the area involved, taking into consideration the purposes for which it is used. The charge should not be based on the highest real estate value, but on a fair and reasonable valuation.

#### **Land Appraisal.**

As in the appraisal of timber stumpage values, there are many factors to be considered. Primarily, the value of the land for the purpose desired rather than for some other use will govern. Land desired for pasture purposes may have a value of \$1,000 as a resort site, but only \$100 for pasture purposes. Obviously in such a case, the charge should be based on its pasture value rather than its resort value. Accessibility is an important factor. A resort site at a high elevation where climatic conditions would prevent its use for nine months each year should, other conditions being the same, have a smaller value than a site which could be used for a longer period. In general, a higher charge should be made for lands used for a commercial purpose than is charged for the use of similar lands put to a private use.

#### **Term Permit Charges.**

Because of the increased administrative cost of handling term permits and the additional benefits accruing to the permittee, lands covered by term permits should have a higher value than if subjected to revocable permits. A fair annual charge should be made for summer homes, taking into consideration the accessibility of the tract, special advantages which it may offer, and the amount of land covered by the permit. The charge for lands used for commercial purposes should be based on what like private lands in the same locality would rent for if put to the same uses. In general, the rate for the entire period should be fixed at the time the permit is granted, but in unusual cases, where it is impracticable to fix the rate for the entire period at the time of granting the permit, provision may be made for readjustment from time to time.

The annual charge for summer-home permits will not be less than \$10, and for other permits under the law not less than \$15. The rates for revocable permits will be as provided in Regulation L-33.

April 1, 1916.



#### **Readjustment of Charges.**

It is almost impossible to foresee the development of a country or the values which land will assume and especially is this true of the National Forest the use of which for recreation purposes is just becoming well known. Large sums are spent annually in making these lands more accessible, thereby increasing their values. All revocable permits will therefore contain a clause providing for the readjustment of the annual rental at the expiration of every 5-year period.

Where improvements are sold at any time during the 5-year period and a new permit is issued to the purchaser, the charge will, if necessary, be readjusted at that time.

#### **Rates not Provided for by Regulation.**

When an application for a special use is received for which no rate is established in Regulation L-33, the supervisor will, before issuing the permit, submit the files of the case to the district forester with recommendations as to the rate to be charged. The district forester will determine the rate and will return all the papers to the supervisor.

### **PREPARATION AND ISSUANCE OF PERMITS.**

#### **Terminable Permits.**

Except as otherwise provided by the regulations, all special-use permits will be issued by the supervisor. In the case of a charge permit, upon the approval of the application, a letter of transmittal (Form 861-L) in duplicate will be prepared and the original sent to the applicant with notice that the permit will be issued when the payment is received. When advised that payment has been received, the supervisor will record the payment on Form 619, and will prepare the permit on Form 832 in triplicate, one copy to be stamped "Original," one "Duplicate," both signed by the issuing officer, and one "Ranger's" copy. The original will be sent to the permittee, together with the "paid" Form 861-L; the "duplicate" permit and the "duplicate" Form 861-L will be retained by the supervisor, and the "ranger's" copy will be sent to the district ranger.

Free special-use permits will be issued, one "original," one "duplicate" and one "ranger's" copy, immediately upon the approval of the application.

A card record (Form 619) will be prepared for every permit issued.

Minor amendments to outstanding permits may be made by notification by letter.

A single permit may be issued to cover two or more related uses, as "agriculture and pasture," "residence and garage," but such permit should be given the designation of the principal use only. Care should be taken to use uniform designations, so far as possible, in issuing all permits.

#### **Term Permits.**

Term permits should be prepared in triplicate on Form 854. When the approved permit is sent to the permittee, it should be accompanied by a copy thereof to be dated and signed by him and returned to the forest supervisor.

As in the case of terminable permits, the first payment must be made before permit issues.

#### **Annual Payments.**

Permits will provide that after initial deposit is made, annual payments shall become due on the first day of January each year, except for the purchase of gravel, hay, and other resources, which may be made payable on any date, and for apiaries, where the annual payment will be due May 1.

The initial payment on a permit will cover the period from date of issuance to December 31, and will be proportionate to the annual charge.

Unless a permit is issued on the first day of a month, the payment will date from the first day of the following month.

Where unauthorized use of the land was made prior to the issuance of a permit, and such action is not treated as a trespass, payment may be required to cover that period.

Where charge permits are relinquished in favor of another or are transferred, the unearned rental may be applied on the new permit.

#### Record and Notification of Annual Payments.

The supervisor will issue all notices and requests for annual payments. In every case the permittee will be notified on Form 861-L one month before payment is due. If the payment has not been received 15 days after it is due, a second notice will then be sent notifying him that the permit will be revoked or the case closed if the payment is not received within 15 days of the date of the second notice.

Permits now in effect should be amended to provide for annual payment on January 1. As payments become due permittees should be notified of the change in procedure, furnished with a letter of transmittal (Form 861-L) covering payment due for the balance of the calendar year and informed that hereafter payments will be due on January 1.

### REFUNDS.

#### Policy.

Generally speaking, all money not due the Government on any permit canceled through no fault of the permittee will be refunded provided the United States has suffered no damage.

Refunds of \$1 or less will not be made unless requested by the permittee.

#### Procedure.

When a refund should be made, the supervisor will prepare a Form 5a voucher in duplicate and a Form 24b to cover the refund. The voucher should state the refund due, the annual period involved, the date payment was made, the certificate number, the reasons for making the refund, and the complete case designation.

Refunds can be made only to the permittee or his legal representative. In the latter case an exemplified copy of letters testamentary or of administration must accompany the voucher. The original voucher will be executed by the permittee or his legal representative, and the correctness of the amount certified to by the forest supervisor, who will transmit the voucher, accompanied by the Form 24b, to the district forester for approval.

No notice of refunds other than the return of Form 24b stamped "paid" will be sent the supervisor.

### TRANSFER OF PERMITS.

Both term and terminable permits may be transferred with the approval of the officer by whom it was given or his successor.

The transfer of term permits will be for the unexpired period of the original permit and may be made by a letter approving the transfer, or by issuing a new permit in which all the terms contained in the original are incorporated. Terminable permits may be transferred by a letter of approval, or by issuing a new permit. In the latter event changes may be made in the stipulations.

When a transfer is made the unearned rental may be credited to the new permittee.

#### Revocation of Permit.

The supervisor will not revoke special-use permits. When the necessity for revocation arises, the supervisor will forward the files and report the case to the district forester, who will take the necessary action. District forester's permits will be revoked by the Forester. If improvements have been erected upon the land, the supervisor should recommend the period during which they must be removed.

The district forester should inform the permittee of the contemplated revocation and the reasons therefor, and also of the time limit within which improvements must be removed, and notify him to show cause within a specified time why the proposed action should not be taken.

The right of appeal will lie in the first instance to the Forester and from his decision to the Secretary of Agriculture.

### CLOSING SPECIAL-USE CASES.

Permits under the act of June 8, 1906, and leases under the act of February 28, 1899, may be closed by the Secretary of Agriculture only. Term permits may be closed by the district forester or the Forester. Ordinary special-use



## CLOSING SPECIAL-USE CASES.<sup>a</sup>

Permits under the act of June 8, 1906, and leases under the act of February 28, 1899, may be closed by the Secretary of Agriculture only. Term permits may be closed by the district forester or Forester. An ordinary special-use permit terminates if the area is abandoned, if the land involved is eliminated from the Forest, if the required payment is not made when due, upon the expiration of the life of the permit where it is issued for a definite time or upon the accomplishment of the purpose for which it is issued, as in the case of a road permit. Such cases may be closed by the supervisor. Whenever improvements are involved the permittee will be notified at the time he is given notice of the termination of his permit that the improvements must be removed within such reasonable period as the supervisor will fix.

Notice that the case is closed will be sent to the permittee and ranger and to the district forester if the permit was issued by him.

In the case of free agricultural permits, the case should be closed when the supervisor receives notice that the land is opened to entry. The use of lands opened to entry, but not entered, will be allowed under a charge permit only.

## ANNUAL REPORT.

Supervisors will include in their statistical report (Form 446) to the district forester, due on July 15, a statement of the special-use work on their Forests for the preceding fiscal year. This will include permits issued under the acts of June 8, 1906, and March 4, 1915, and leases under act of February 28, 1899.

## PUBLIC CAMPING.

The use of the National Forests by the transient camper and recreation seeker is a special use which heretofore has not been classified as such or given its due consideration.

The Forests are yearly becoming better known to the vast numbers of persons who do not seek any form of permanent occupancy, but who want to come and go as they please, camping at places which most conveniently fit in with their traveling whims. These persons far exceed in number the permanent summer residents, and their demands for camping places are on many Forests becoming the first concern of the forest officers. The use of the Forests by this class of people is bound to increase steadily, and forest officers must begin to consider a definite plan for taking care of this character of use.

It will be possible in many localities to induce campers to use locations selected by forest officers, which are better suited to the campers' needs than any which they themselves might have chosen. To do this, it will often be necessary to render such camp sites more accessible by the construction of a trail. In other cases, forest officers may have to see that ample water facilities are provided. Good feed for stock is a prime requisite of many camping places, and one of the largest problems the Forest Service has on Forests where grazing is important and where travel is increasing is to adjust the stock feed question so as to avoid friction between the stockman and the camper. One solution of this problem lies in the establishment of fenced public pastures at convenient points along main routes of travel. These public pastures will do away with the necessity of herding range stock off lands largely used by the public, and will assure the camper not only that his horses will have overnight feed, but that they can not stray. In localities where sheep only are grazed fencing of public pastures may be unnecessary, the herders of the stock being merely warned to keep their animals off the reserved areas. Everything that can be done to make camping spots attractive and to encourage this use of the Forests should be done by forest officers. Rude fireplaces should be constructed; the camp grounds cleaned of debris; outhouses may be built, and tools for extinguishing fires should be conveniently placed. All public camping spots should be posted with proper signs referring to fire prevention, necessity for leaving the camp clean and restoring Government tools to their place after using. Often it may be necessary to post rules governing the use of the camp site and pasturage area.

Forest officers should not issue special-use permits on tracts which by reason of long usage have become or may be needed as public camp grounds.

<sup>a</sup> Instructions modified; effective Oct. (53-L)  
1, 1919.

## SPECIAL USES ON ADMINISTRATIVE SITES.

### Must Not Interfere With Administrative Use.

National Forest lands selected for administrative purposes may be used under terminable special-use permits as long as the special use does not prevent or interfere with the administrative use. Permits for the cultivation of administrative sites will be issued only as provided under "Cultivation" permits. Term permits under the act of March 4, 1915, will not be issued for the use of land while in the opinion of the district forester it is needed for administrative purposes.

### Charges.

The regular charges will be made and no arrangement by which a portion of the crop shall be given to the Service or any of its members in consideration of a reduction of the rental shall be entered into. When improvements are used by a permittee that fact should be taken into consideration in figuring rental charges.

### Special Requirements.

All permits on administrative sites will contain the following conditions. The period allowed should depend on the nature of the permit:

"This permit will be abandoned by the permittee on \_\_\_\_ days' notice from the supervisor that the land is needed for administrative use by the Forest Service."

When the use of Government-owned improvements is involved stipulations providing for their maintenance—at the expense of either the Government or permittee, as determined by the supervisor—should be incorporated in the permit.

## SPECIAL USES ON CLAIMS.

The owner of an unperfected claim should be required to obtain a permit for any use of the land which is not in furtherance of the purposes for which the land was appropriated.

No permits should be issued which will conflict with the operation of a valid claim.

As a further safeguard, all permits on pending claims should contain the following stipulation:

"This permit is issued with the understanding that the permittee has secured or will secure the consent of any person having valid claim to the land."

In both cases the permit, if of a charge nature, will be conditioned on the payment of the charges fixed by Regulation L-33. (For procedure when claims are occupied and used without permit for purposes not consistent with their development see "Occupancy Trespass.")

### Mining Claims Located on Areas Under Prior Permit.

Where a mining claim so located as to include an area covered in whole or in part by a prior special-use permit interferes with the permittee's use of the land and the matter can not be adjusted by agreement between the parties, the facts should be fully reported to the supervisor, who will forward the report with his recommendation to the district forester. If the facts warrant, appropriate action will be taken to protect the permittee.

## SPECIAL USES ON COUNTY ROADS.

Congress granted rights of way over the public land for highways (U. S. Rev. Stat., 2477). By that grant the lands of the United States were subjected to the servitude of a highway only. The county's title and interest is only that of a right of way, while the fee in the lands remains in the United States or the patentees of abutting lands; hence a telephone, conduit, or any other improvement on any road through National Forest lands, which is foreign to its use as a road, can be operated lawfully only under permission from the Forest Service, notwithstanding any permission from the county.

It has been generally settled by the courts that telephone lines, for instance, when constructed along a highway are an additional servitude and that the



owners of abutting land can require compensation for damages through the construction of such telephone lines. The State legislature can empower a county to impose such an additional servitude upon private lands, provided reasonable compensation is paid, but it can give no authority to impose it on the lands of the United States.

The width of such wagon road rights of way shall conform to the width established by laws or ordinances of the State or county in which the road is located.

### **SPECIAL USES ON LANDS APPROVED FOR ELIMINATION.**

After an area has been approved by the Secretary for elimination from a National Forest, free agricultural special-use permits to preferred settlement applicants whose land has already been listed under the act of June 11, 1906, will be the only class of permits issued upon it.

### **SPECIAL USE OF UNSURVEYED RAILROAD LANDS.**

By various acts of Congress some railroad companies were granted the odd-numbered, nonmineral sections within certain primary limits and as a result the railroads hold an equitable title to all such sections as are now unsurveyed. Their legal title, however, remains in the United States until identified by an official Government survey and it is incumbent upon the Government to so administer such lands which may now appear to be odd-numbered and nonmineral as not to depreciate their value. The Forest Service has the right to administer these unidentified railroad sections within National Forests and this right carries with it the authority to use or make use of such resources of the lands as are of temporary character, provided such use will in no way impair the estate of the railroad. Hay, for instance, is an annual crop, the removal of which would in no way impair the value of the land. While not to be encouraged, temporary special-use permits may be issued for such occupancy and use of the lands as can not depreciate their value to the railroad when it shall receive complete title, but applicants for such lands should be fully informed of their status and a suitable clause, providing for revocation, should be incorporated in the permit.

### **SPECIAL REQUIREMENTS FOR MISCELLANEOUS USES.**

Such special requirements in special-use permits must be inserted as are necessary to protect the interests of the National Forests.

The following special requirements will be inserted where applicable.

#### **Dipping Vats.**

Only stock grazing in the National Forests under permit (or covered by a crossing permit where one is necessary) shall be dipped in this vat.

To dispose of waste dipping solution and dead stock in such manner as the forest officers shall require.

#### **Slaughterhouses.**

To dispose of all offal in such manner as the forest officer in charge shall require.

#### **Lime and Charcoal Kilns, Etc.**

To clear and keep the land clear of all refuse and inflammable substance and to observe such other precautions against fire as may be required by the forest officers.

#### **Special Clauses in Free Permits.**

When a free permit is issued under Regulation L-32 the reason for making no charge should be inserted in the blank space of the charge clause on page 1 of the permit, and such portion of the printed clause as is rendered inapplicable lined out, as:

(Telephone permits) "No charge; free use and free connections by the Forest Service."

"No charge for miners' and prospectors' cabins."

"No charge for irrigation and home-building enterprise."

## ADVERTISING SIGNS.

Signs may be posted in the discretion of the forest supervisor without formal permit if done with the consent and under the supervision of a forest officer. Permission will not be granted for conspicuous, unsightly, or objectionable signs nor for signs to be painted on rocks. The placing of signs should not be encouraged unless they serve as guideposts to the traveling public.

## AGRICULTURAL AND CULTIVATION PERMITS.

### Designation of Permits.

All permits for the occupancy of lands that have been classified as listable, or have been listed, will be designated "Agricultural" permits. All permits for the cultivation of lands that have been classified as nonlistable will be designated "Cultivation" permits.

### Free Permit on Agricultural Land.

All persons who settled on agricultural lands in National Forests before January 1, 1906, and have not abandoned their claims, may, if qualified, perfect title under the Forest Homestead Act, and in the meantime may occupy and enjoy their holdings without permit. Other applicants under the act, who appear to have the preference right of entry under that act, may be issued permits without charge for the agricultural use of so much of the land applied for as, in the opinion of the district forester, is chiefly valuable for agriculture, provided that the land is not adversely claimed under settlement made before its withdrawal, or after its withdrawal and before January 1, 1906. Lands on which a crop is being grown by a permittee who was granted a permit prior to the time the land was applied for under the act of June 11, 1906, and who is not the preferred applicant, will not be listed nor covered by a permit issued to a preferred applicant until the crop has been harvested.

Free permits for the occupancy and use of agricultural lands which are recommended for listing will be issued only under the following conditions:

1. When the applicant wishes to occupy the land which has been examined and favorably reported upon, pending its listing and restoration to entry under the act of June 11, 1906.

2. When a strip of land for a road right of way has been excepted from an area recommended for listing, the applicant upon whose application the lands has been examined or the entryman on the area listed may be issued a free agricultural permit for the use of the excepted strip, so long as it is not needed for road purposes.

When land covered by a paid agricultural permit is applied for by the permittee under the Forest Homestead Act, and the permittee is entitled to its free use in accordance with the above instructions, the old special-use permit should be immediately changed to a free permit and a refund made of any unearned rentals. Free special-use permits for agricultural purposes will be closed when the land is restored to entry and if the user does not file upon it and it remains open to entry he should be required to take a pay permit.

### Charge Permits on Forest Homesteads.

Under the act of August 10, 1912, no land listed under the act of June 11, 1906, passes from the Forest until patent issues. While not to be encouraged, all classes of special-use permits may be issued on land listed or restored to entry prior to the time they are entered or filed upon but with the understanding that they will terminate whenever entry or filing is made. Persons holding any kind of permit issued prior to the classification of the land should, as soon as the classification is approved by the Secretary, be advised by the supervisor of its probable listing, that they may arrange their affairs accordingly.

### Residence Under Permit Credited on Final Proof.

Residence upon the land under special-use permit can be credited as a part of the statutory residence period required before making final proof.

### Special Requirements.

(In all permits) "This permit will be revoked whenever the lands involved are entered or filed upon."



When a free agricultural permit is issued under Condition 1, the following paragraph will be incorporated in the permit:

"This permit shall not be construed to give the permittee any preference right of entry under the act of June 11, 1906, and shall terminate when the land is restored to entry."

When the permit is issued under Condition 2, the following paragraph will be incorporated in the permit:

"This permit shall terminate upon notice to the permittee by the forest supervisor that the land is needed for road purposes."

#### **Cultivation Permits.**

Permits for the cultivation of administrative sites or other lands that have been classified as nonlistable by the Secretary will be issued only when they do not interfere with National Forest interests. Such permits will be issued only with the approval of the district forester, and will provide that only annual crops may be raised and only such improvements placed upon the land as the temporary nature of the use will warrant. No cultivation permit is necessary where a small garden, etc., is maintained subsidiary to the principal use of the land.

#### **Special Requirements in Cultivation Permit.**

<sup>a</sup>"This permit is issued with the understanding that only such crops will be raised, and only such improvements will be placed upon the land as the temporary nature of the use warrants. It is also understood by the permittee that the results of cultivation will not alter the nonlistable classification of the area involved, since that has been determined by other predominating factors."

<sup>b</sup>No equities, acceptable as a basis for a preference right to land classified as nonlistable, will accrue to any permittee through the issuance of a special-use cultivation permit, or other permit, resulting in the land being tilled or improved, or both. Should a modification of the classification subsequently appear to be advisable covering the tract in question, it should be opened to entry without naming a preferred applicant. Any equities acquired under the terms of the permit will be protected by postponing listing and extending the life of the permit, and not through allowing the permittee to file and obtain title to the land. This procedure is necessary to prevent doing indirectly what is prohibited directly in Regulation L-53, restricting preference rights to cases involving "substantial equities." The equities referred to in the Regulation can not be construed to embrace cultivation or improvements under special-use permit. In granting such permits it should be made clear to the permittee that this permit can not be used as a basis for securing exclusive title or possession under the homestead law, the permittee having rights equal only to the rights of any other land seeker. This, of course, does not apply to cases where free special-use permits are granted to the preferred applicants for listable land in advance of listing and opening to entry.

#### **Residence on Land Covered by Paid Agricultural or Cultivation Permits.**

Where a residence is maintained upon land covered by a paid agricultural or cultivation permit, that fact should be taken into consideration in deciding upon the proper charges in the case.

### **ANCIENT RUINS AND RELICS.**

#### **Statutory Provision.**

Appropriating, excavating, injuring, or destroying any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the United States, without permit is prohibited by specific act of Congress (June 8, 1906).

#### **Action by District Forester.**

Any application for a permit to examine ruins, excavate archaeological sites, or gather objects of antiquity on National Forest lands, shall be referred to the district forester, who will see that the application is in accordance with the uniform rules and regulations of the Secretaries of the Interior, Agriculture, and War, under the act of June 8, 1906 (34 Stat., 225), and will require any necessary amendments of the application. He will submit the application, together with his recommendations (based

<sup>a</sup> Sentence modified; effective Jan. 8, 1918.

(57-L)

<sup>b</sup> Paragraph added; effective Jan. 8, 1918.

on supervisor's report), to the Forester, who will refer the application to the Smithsonian Institution for recommendation.

#### **Action by Forester.**

When the application is approved by the Smithsonian Institution, the Forester will prepare a permit in quintuplicate for the signature of the Secretary of Agriculture. After the original has been signed by the Secretary it will be sent with three copies to the district forester, who will forward the original to the permittee, and two copies to the supervisor, one for his files and one for the ranger concerned.

### **APIARIES.**

#### **Determining Charges.**

On or about April 15 of each year a count will be made of the hives in each apiary and the supervisor notified. If less than 100 the minimum annual charge of \$10 will be made. If more than 100 the charge will be at the rate of \$0.10 per hive.

#### **Payments.**

Payments will be due on May 1 of each year, but if a permit is so issued that only a fractional part of a year will elapse between date of issuance and the 1st of May following, the first payment will be due as in other special uses, but shall be a pro-rata charge of the full annual rental.

#### **Location.**

Permits should not be issued for apiaries which will be located so close as to interfere with each other.

#### **Special Requirements.**

"To clear and keep clear the land occupied by the hives and an additional strip of 30 feet in width beyond the marginal limits thereof."

### **CONDUITS AND RESERVOIRS.**

#### **Free Permits.**

No charge will be made for permits for irrigation, mining, municipal or domestic water supply, or for stock reservoirs or conduits to a grazing permittee or an owner of exempt stock for noncommercial purposes (Reg. L-32). Any project used to develop hydroelectric power will be considered under Water Power Regulations.

#### **Easements.**

Since easements can be secured for irrigation, municipal, and mining projects, it is unlikely that supervisors will be called upon to issue permits for many large projects, although applications may be received pending the approval of application for easements to the Department of the Interior. If the supervisor receives an application under such conditions and he has reason to believe that the Department of the Interior will not approve the application for an easement, he should, before taking action, submit the case to the district forester for an opinion.

#### **Procedure.**

For small projects the procedure will be the same as in other special-use cases. For large projects more accurate and detailed maps may be required of applicants, and also prima facie evidence of water appropriation and plans for dams and other structures, if the supervisor considers such requirements necessary.

#### **Examination by District Engineer.**

If, in the opinion of the supervisor, an examination should be made by the district engineer, he will make such a request to the district forester, who, if he considers it advisable, will authorize the examination.

#### **Extent of Right of Way.**

In conduit cases the attention of the permittee should be called to the fact that the permit is limited in width to the area actually used or needed in the enjoyment of the privilege.



#### **Interference with National Forest Interests.**

If the construction of the project will render unavailable to other Forest users the entire supply of water in any particular locality, thereby injuring National Forest interests, and the applicant refuses to enter into such stipulations as may be necessary to safeguard those interests, the supervisor may reject the application. Such conditions are most likely to arise on the Forests of the Southwest, where the piping of all the waters of a spring may render the surrounding range unavailable or seriously handicap fire fighters in obtaining a supply sufficient for their use.

#### **Conflicting Applications.**

An application for a project which has physical conflict with another already covered by permit should not be approved, but the applicant should be informed of the extent to which his application is in conflict and given an opportunity to amend it. If the conflict is limited solely to the use of the same water, the supervisor should not presume to determine its ownership, that being a matter for the State courts to decide, but should give both applications the same consideration.

#### **Water Power.**

The report of the forest officer should show, if possible, whether or not any development of water power for the generation of electric energy is contemplated.

#### **Special Requirements.**

All permits involving the diversion or storage of water will contain the following clause:

"This permit confers no rights upon the permittee to the use of the water involved."  
(Dams on fish streams) "To construct and maintain suitable fish ladders on fish-ways."





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(Dams on fish streams) "To construct and maintain suitable fish ladders on fishways."

(If future power development appears probable or feasible.) "If at any time the projects covered by this permit are used in connection with the development of electrical power, the permittee agrees to reapply for them under Water Power Regulations."

### **CORRALS, DRIFT FENCES, AND INCLOSURES.<sup>a</sup>**

The construction of fences may be allowed under permit when needed for the protection of forest growth, or when they will be beneficial in the administration of the National Forests. When needed for the proper control or management of live stock, fences may also be allowed under such restrictions as will prevent injury to the range or forest. So far as practicable pasture inclosures should be limited to land not suitable for timber production.

#### **Conditions of Granting Permits.**

A fence may be constructed or maintained free of charge if it does not give control of an area in excess of that actually required for pasturage of the stock which the person or persons maintaining it would be entitled to graze, or does not give individual control of particularly desirable portions of the range under conditions which warrant an extra charge. When either individual or community ranges have been established following pronounced topographic features, and thus forming natural units of range management free permits for fences inclosing such ranges may be granted. Fences constructed for the following purposes, when open to all permittees using the range unit, may be allowed free of charge, for separating different kinds or breeds of stock, for gathering, weaning, saddle-horse, and graded or pure-bred stock pastures.

Except as above mentioned, inclosures or pastures constructed or maintained for the exclusive use of permittees, and those allowed for the purpose of giving settlers who live upon lands either within or on the border of a National Forest the exclusive use of adjoining pasture during the portion of the year when needed for protection against other stock, will be charged for at prevailing rates. Only such area should be allowed as is necessary in each individual case. The limit of 320 acres for pastures shall be observed in all cases except where the applicant holds a permit to graze more than 200 head of cattle or their equivalent in other stock, in which case an area of 1 acre for each head of stock in excess of 200 may be allowed; provided, however, in Arizona and New Mexico 320 acres may be allowed for 100 head of cattle or their equivalent in other stock, and 2 acres may be allowed for each head in excess of 100. Inclosures for stock exempt from permit should ordinarily not be greater than is needed for 10 head and not more than 80 acres should be allowed for this purpose. Pasture permits

<sup>a</sup> Instructions modified, effective Apr. 1, 1919. (59-L)

allow exclusive possession during the entire year, but do not convey the right to graze stock within the inclosure except in connection with and during the period covered by the grazing permit. Stock exempt from fee may be allowed to graze within a pasture during the yearlong period. In appraising the value of pasture land its quality and carrying capacity, accessibility and the presence of permanent water should be considered.

#### **Definition of Drift Fences.**

Drift fences may be erected under several different conditions and they may be:

1. A line of fence dividing two natural grazing units for the purpose of keeping the cattle on these units from mixing or drifting away from their accustomed ranges.

2. Across a valley or a canyon to prevent stock from drifting up or down it and away from their allotted ranges.

3. To prevent the drifting of stock by connecting with private or boundary fences already established.

4. To close up gaps or openings in cliffs or along otherwise impassable ridges in such a way as to prevent the cattle on a certain unit from drifting out of it onto the adjoining ranges.

5. To close an opening in a community range in such a way that the cattle can not leave it.

6. To surround or inclose an independent unit or range which is open to all permittees entitled to share in its use.

#### **Removal or Change of Fences.**

If the range controlled by a fence is excessive in area and ought to be shared by permittees in addition to those now using it, the fence must be either removed or changed or the range opened to other permittees.

#### **Gates in Fences.**

All fences must be provided with gates at such points as are necessary to allow proper ingress and egress. If the gate is across a public highway, it should be constructed of lumber or metal other than wire and the applicant should furnish with his application a written permit from the proper State, county, or other local official to fence the road.

#### **Fence Material.**

If a fence constructed of barbless wire or other material will serve the purpose its use should be insisted upon especially for situation where barbed wire will be a menace to the handling of stock or to the traveling public.

#### **Free Material.**

When corrals, fences, or inclosures on National Forest land are needed for the better control and management of stock grazed under permit all forest material needed for use in their construction may be furnished free of charge under Regulation S-34 and in cases where the circumstances justify it the necessary wire and staples may also be furnished, provided the stockmen using the range are willing to construct such fences with the understanding that they shall when completed become the property of the United States.

#### **Pasture in Connection with Hotels and Resorts.**

When an applicant for a pasture in connection with a hotel or resort desires to make a charge for pasturing animals owned by his guests, this commercial use should be considered in appraising the value of the land and a higher charge made than when the pasturing is to be allowed free. The permit should fix the average number of animals which may be allowed to graze within the pasture during the season and the maximum charge per head per day which may be made, the amount not exceeding 25 cents. Such pastures must not in any case include all available grazing land or camping grounds in the vicinity, but must leave opportunity for the public to camp outside if they desire to do so.

#### **Combined Uses Under Permit.**

Pasture, agricultural, and wild hay land may be allowed under a single permit, but in no case shall the agricultural land exceed 160 acres nor the pasture land 320 acres, and the charges for the three uses will be calculated separately on the basis of the rates established in Regulation L-33. The dominant use will determine the case designation of the combined permit.



#### **Eliminations.**

When lands upon which pasture or drift fences have been erected under permit are eliminated from the forest a report of such fencing, giving location of fence and name and address of permittee, should be made to the district forester for transmission to the Department of the Interior. Notice of the elimination will also be given to the permittee.

#### **Permits Under Regulation L-37.**

A permit to inclose and use not to exceed 320 acres of forest land without charge may be granted in exchange for a waiver of exclusive use of private lands within National Forests when such an arrangement will be advantageous to the administration of a National Forest.

#### **Status of Land Involved.**

Before issuing permits under Regulation L-37 the supervisor must determine that the title of the land for which a waiver to its exclusive use has been given has passed from the United States and that the applicant has the right to its use.

Permits may be based upon the following:

- (a) Lands for which patent has been issued by the United States.
- (b) Surveyed railroad lands within the primary limits of a grant made by Congress on land not classified as mineral.

#### **Special Requirements.** (To be inserted where necessary.)

"This permit shall be without effect except in connection with a grazing permit."

"To construct gates at such points as may be designated by the forest officers, such gates to be conformable to specifications stated (or to be agreed upon by the permittee and supervisor)."

"To leave watering places open to other stock grazing under permit."

"To allow the use of this corral by forest officers and all persons holding grazing permits. (When corrals are equipped with trap gates.) This corral shall, when in use, be examined every day by the permittee, and all stock not owned or controlled by the permittee shall be turned out upon the range."

"This permit shall be without effect except in connection with a grazing permit or stock exempt under Regulation G-5."

The supervisor may, in his discretion, incorporate the following stipulation in paid pasture permits: "To allow the use of the inclosure at all times by the forest officers for administrative purposes and for pasturing their saddle horses." This stipulation should only be inserted when such use is an administrative necessity, and in such cases the probable amount of use by forest officers may be given consideration in fixing the fee to be charged.

When an inclosure is allowed under Regulation L-37, the following condition should be inserted in the permit: "The permittee being the owner (lessee) of ——— (give description) shall allow the free and unrestricted use thereof to all stock permitted to graze on adjoining National Forest lands."

### **GAME PRESERVES AND FISH HATCHERIES.**

No permits will be issued for game preserves or any use of land which would result in preventing or restricting lawful hunting or fishing in National Forests.

Permits for the exclusive use of land for reservoirs for fish culture may be issued if the land applied for does not involve a natural lake or stream which in its natural condition will support fish and does not include a tract of over 40 acres in area nor more than one-quarter mile in length.

#### **Charges.**

No charge will be made for hatcheries of a noncommercial nature, such as are generally maintained by States and counties, but all of a commercial nature will be subject to a regular charge.

#### **Special Requirements for Hatcheries on National Lakes and Streams.**

"This lake (or stream) will be open and free to the public at all times."

"Lawful fishing in this lake (or stream) during the open season shall not be prevented or restricted."

"The United States Bureau of Fisheries has the right to use the lake (or stream) for purposes of artificial propagation."

## HOTELS AND RESORTS.

Permits for hotels and resorts shall authorize the occupancy of the land for only such uses as are essential to the proper accommodation of guests. The use of any portion of the site for a purpose foreign to this—such as photograph galleries, billiard halls, refreshment stands conducted by lessees, moving-picture theaters, and laundries and stores mainly for the benefit of outside patrons—shall be subject to a separate permit or an increase in the charge of the original permit. The sale of spirituous liquors at hotels, resorts, and road houses will not be prohibited provided such sale is authorized by local laws and is conducted in an orderly manner.

### Special Requirements.

"This business shall be conducted in a legal and orderly manner."

Sanitation clause same as in the case of residences.

## HOTELS AND DWELLINGS ADJACENT TO MINERAL SPRINGS.

Suitable areas adjacent to mineral, medicinal, or other springs for the erection thereon of sanitariums, hotels, or temporary dwelling houses may be leased under the act of February 28, 1899 (30 Stat., 980), for such periods and upon such terms as may be approved by the Secretary of Agriculture. The application need not be in any particular form, but it should describe the land desired to be leased as accurately as practicable and should state the character of the buildings to be constructed thereon and their probable cost. The application should be filed with the forest supervisor, who will forward it to the district forester with a report on Form 964. If there appears to be no objection to leasing the land, the district forester will so inform the applicant by letter and at the same time furnish him with a form of lease, showing the general conditions under which the lease will be made, and advise him that he is given until a specified date in which to submit plans of the proposed structures and other improvements, as well as evidence of his financial ability to carry them out. On receipt by the district forester of the applicant's plans, they will be forwarded to the Forester, with all other correspondence, including a copy of the working plan, if one has been prepared, and the district forester's recommendations as to the term of the lease and rental charge. In general, a lease will be given to the first applicant, provided he shows that he will make a satisfactory use of the land from the standpoint of the public interests. The lease will be prepared in the Forester's office and submitted to the Secretary of Agriculture for approval. When approved it will be sent to the lessee through the offices of the district forester and supervisor.

Whenever it becomes apparent that there is likely to be a demand for a lease for any particular site the supervisor should prepare a general working plan of the site similar to that used for term leases under the act of March 4, 1915. This plan should include:

(a) A topographic map of the area adjacent to the spring, or at least that area which would likely be occupied. If the area should be divided into lots, this division should be shown.

(b) A determination of the quantity of water available from the spring and a plan of the work that should be done to develop and increase the flow, as well as to protect the spring from pollution or silting, with an estimate as to the cost.

(c) An analysis of the water, which may be procured from the Bureau of Chemistry.

(d) Suggestions as to the kind of occupancy which would likely put the land to its highest use; that is, whether the need is for a sanitarium, hotel, bath-house, cottages, or camping grounds, or any combination of these. The distance from centers of population and accessibility should be stated; also whether the business will require any closer supervision than can be given by the district ranger.

## POWER PERMITS AND TRANSMISSION LINES.

Permits for steam power electrical plants and transmission lines used solely in connection therewith will be issued under special-use regulations.

### Procedure.

Applications, maps, field notes, and report on Form 964 should be forwarded by the supervisor to the district forester, who alone is authorized to issue



permits of this nature. Maps of transmission lines should be prepared on tracing linen on a scale of not more than 1,000 feet to the inch.

## **RAILROADS, TRAMROADS, AND TROLLEYS.**

### **Special Requirements.**

"To clear and keep clear of all inflammable material a strip of land, not exceeding \_\_\_\_\_ feet in width on either side or both sides of the center line of the right of way, as may be required by the forest supervisor."

"To build new roads and trails, as required by the forest officers, to replace any roads or trails destroyed by construction work upon the said right of way, and to build and maintain suitable crossings, as required by the forest officers, for all roads and trails which intersect the right of way."

Where practicable, a stipulation requiring the use of oil for fuel should be inserted.

## **RESIDENCES.**

The use of National Forests as places of residence should be especially encouraged by every consistent means. A residence occupied under the restrictions imposed by a permit not only reduces the fire risk as compared to transient camping but makes of the permittee a volunteer fire fighter whose interest in forest problems is increased by reason of close contact with them and financial investment in the forest.

### **Location.**

Care should be taken not to issue permits covering grounds which by long usage have become public camping spots or which will be needed in the future for that purpose, for the demand of campers who do not seek permanent residence is a most important one to consider.

### **Use of Residences.**

Residence permits are issued with the intention that the use shall be of a noncommercial nature. Whenever the permittee makes a regular business of leasing or renting the tract its use becomes of commercial nature and it passes into the class of a hotel or resort and should be valued and charged for accordingly. Where a permittee allows the premises to be used by parties he should clearly understand that he is personally responsible for violation of any of the stipulations of the permit.

### **Rights of Permittees.**

Applicants for residence sites should be advised that permits are not necessary for camping privileges and are required of them only in case they desire to erect some form of building upon the land. A residence permit gives the permittee the exclusive use of the tract only when it has been inclosed or some structure has been placed upon it.

### **Class of Buildings.**

In the discretion of the forest supervisor, rough plans and estimates of proposed buildings may be required of applicants. Plans will always be required in the case of term permits. Ordinarily the cost or character of improvements should not be considered but it would be unfair to a permittee who had erected an expensive and attractive residence to issue a permit for an adjoining tract upon which an unsightly shack would be placed. Under such circumstances provision should be made for both classes but not so close as to allow the one to depreciate the value of the other.

### **Residence Tracts.**

Where tracts of land suitable for a number of residences exist, they may be surveyed, mapped, and laid out as lots, blocks, and groups of lots and block, or both. Provision should be made for roads, trails, water systems, proper sanitation, public camp grounds, and the location of stores, hotels, and other commercial enterprises, so as not to detract from the residence value of other lots. Where there is need of a community water system, forest officers should endeavor to have it constructed and managed by some individual as a business enterprise, or by the permittees themselves. Where this fails, the facts should be reported to the district forester.

#### **Supervision of Residence Tracts.**

Permittees in large residence tracts should be encouraged to organize for their own benefit and control. Forest officers will aid in the maintenance of order and the prevention of nuisances.

#### **Special Requirements.**

"Barbed wire may be used in inclosing the lands occupied under this permit only by special arrangement with the officer issuing the permit."

#### **In Communities or Special Use Town Sites.**

"No stock under permittees' control shall be allowed to roam at large."

#### **Where Fire Danger is Great.**

"Hoods shall be placed over the outlets of all chimneys."

"Disorderly or otherwise objectionable conduct by the permittee or those occupying the premises with his permission shall, upon proof thereof, be cause for cancellation of the permit."

### **ROADS AND TRAILS.**

Permits are not necessary for the construction or repair of State or county roads nor for the maintenance of roads that through long usage have become public highways. Forest officers, however, should bring to the attention of the authorities in charge of such work the regulation respecting the disposal of debris (Reg. L-36).

Before issuing a permit for the construction of a road which in part will cross land privately owned or claimed, it should be determined whether the road is likely to be of such value to the public or to the Forest Service as to justify precautions against the possible closing of the portions within the alienated lands. If it appears desirable the advice of the district assistant to the solicitor should be secured as to the necessary steps to insure a right of way to the public and to the Service across such lands, either in perpetuity or for a specified period, as the conditions warrant.

#### **Free Use of Materials for Public Roads.**

The supervisor may, in his discretion, permit the free use of earth, stone, sand, and gravel for the construction or repair of roads or trails when such roads or trails are a public benefit (for regulations respecting the free use of timber for roads see Regs. S-27, S-33, and S-34).

#### **Closing Cases.**

When the construction of a road or trail covered by permit is completed, the supervisor should close the case, but in notifying the permittee of this action should advise him that he retains the privilege of maintaining the project without further permit.

#### **Special Requirements.**

This road (or trail) shall be open to free use of the public at all times.

To dispose of the brush and refuse resulting from the construction and maintenance of this road (or trail) in such manner as the forest officer may direct.

To build suitable crossings for all existing roads and trails which may intersect this right of way.

### **SAWMILLS.**

#### **Charges.**

Mills sawing timber obtained principally from National Forest land will be granted free permits, but whenever one operating under a free permit ceases to meet this condition the permit should be amended so as to provide for a charge. Permission to operate mills in connection with the purchase of National Forest timber may be granted either by the terms of the timber sale agreement or by regular special-use permit (See No. 14, p. 48-S<sup>1</sup>).

#### **Bonds in Sawmill Cases.**

When there is danger from fire or from stream pollution the supervisor may require bonds as follows: Little danger, \$300; considerable danger, \$500; great danger, \$1,000.

April 1, 1916.



**Special Requirements to Go in All Permits.**

"To clear of brush and other ground cover and keep clear all lands embraced within the mill yard and an additional strip of 100 feet in width beyond the marginal limits thereof."

"From ----- to ----- of each year spark arresters satisfactory to the forest officers will be maintained on the stacks of all steam boilers, except where excused from so doing by the written consent of the forest supervisor, which will be obtained in advance."

All camp buildings and structures shall be located in a manner satisfactory to the forest officers at a sufficient distance from streams to prevent pollution of any domestic water supply.

**Special Requirements to be Inserted in Permits When Necessary.**

To dispose of all sawdust, slabs, and other mill refuse in a manner approved by the Forest officer.

(If sawdust is not burned.) Sawdust shall be so disposed of as not to be carried into the waters of any living stream.

**TELEGRAPH LINES.**

**Permits Necessary.**

See "Telephone Lines" for stipulation relative to height of wires above ground and disposal of wire in case of abandonment.

"When the operation of such a line will either decrease the efficiency or render useless any existing telephone line, a clause should be inserted requiring the permittee at his expense to remedy the condition to the satisfaction of the forest officers."

**TELEPHONE LINES.**

**Permits Necessary.**

Permits are necessary for all telephone lines crossing National Forest land. They will be issued with the provision for free use and free connection by the Forest Service and no charge will be made. Permits to companies, with which the Service has a general telephone agreement, as provided in the Administration section of the Manual, should state that the permit is granted subject to the conditions of the agreement.

**Telephone Lines on County Roads.**

Permits are necessary for all telephone lines along county roads crossing National Forest land. Telephone companies must, of course, secure the consent of the county authorities for the construction of these lines, but the county's title and interest is only that of a right of way, while the fee in the land remains in the United States.

**Special Requirements.**

"To allow forest officers the free use of the line for official business to the nearest switchboard or exchange outside of the forest."

"To allow the Forest Service to make connections with the line free of charge, and to charge no toll for any messages over connecting lines built or maintained by the Forest Service."

"To string wires at least 10 feet above the ground and at all road and trail crossings at least 14 feet above ground."

"To remove wires, or otherwise dispose of them to the satisfaction of the forest officers, in case of abandonment of line."

"Whenever the line crosses an existing telephone line such crossings shall be made in a manner satisfactory to the forest officers."

Where the operation of the line applied for will either decrease the efficiency or render useless any existing telephone line the permittee should be required at his expense to remedy the condition to the satisfaction of the forest supervisor.

Where private lines connect with Forest Service lines at service exchanges stipulation should be made for proportionate reimbursement of operator by permittees.

**INSTRUCTIONS REGARDING TERM PERMITS UNDER ACT OF  
MARCH 4, 1915.**

The act of March 4, 1915, authorizes the Secretary of Agriculture, upon such terms as he may deem proper, to allow the occupancy of National Forest lands

for any period not exceeding 30 years where the lands are to be used for summer homes, hotels, stores, or other structures needed for recreation or public convenience, but no person may be allowed to use more than 5 acres. The purpose of the act is to make the National Forests more available than hitherto for recreation uses. Prior to its enactment National Forest lands could be occupied for the various purposes mentioned in the new law, but only under permits which were revocable at the discretion of the department.

Users of National Forest lands have expressed an unwillingness to make substantial improvements where they are to occupy lands under a permit subject to revocation at any time. Where, however, inexpensive structures are contemplated no difficulty has been experienced in meeting the wants of users by granting such a permit. It is expected, therefore, that in the future, as in the past, the needs of persons who do not expect to occupy the land for more than a few years will be met by the ordinary special-use permit. But where prospective permittees contemplate the erection of structures involving expenditures valued at a considerable amount, and therefore expect to occupy the land for several years, they should be given the right to occupy for a definite period under the new law, if they so desire.

The amount of land which any person may be allowed to use is limited to 5 acres. For ordinary summer-home uses it is believed that an area considerably less than this amount will be sufficient to meet the needs of most persons, since such area will be large enough to include all structures which it is probable will be erected. Ordinarily 1 acre, or even less, would suffice. Great care should be taken to prevent a few persons gaining control of the best sites where it could be possible to suitably accommodate many others. It is not expected that permittees will be placed close together unless there is such demand for building sites in any particular locality that users must be placed near together in order to meet the reasonable needs of all. Permittees can be assured that while they are allowed to occupy only a restricted area, nevertheless, it will be the policy of the department not to allow other persons to use lands immediately adjoining, unless justified by reasonable necessity. In localities where it can be foreseen that there is a likelihood of considerable public demand for building sites, the forest supervisor should, at as early a date as practicable, survey the tract into lots in order that he may provide for the greatest number of users, and also handle this matter in an orderly manner. He should also prepare a general report on the locality, discussing climatic conditions, transportation facilities, distance from centers of population, and special features which would interest prospective users. The instructions for term permit surveys will be followed in surveying such tracts.

#### Transfer of Permits.

Permits are assignable with the consent of the officer by whom they were granted or his successor. In general, premises may be sublet, with the exception that the subletting of hotels and resorts must be with the approval of the district forester.

#### Lands Which May Be Occupied.

Permits may be given for any National Forest lands except lands which are subject to entry under the homestead law. Permits should not be given for lands which it can clearly be seen will be needed in a comparatively short time for public or quasi-public purposes, as, for instance, a reservoir, sawmill site, public camping grounds, lands covered by a valid mining claim, and lands which are to be eliminated from the forest.

### WATER SUPPLY FOR MUNICIPALITIES.

#### Stipulations in Permits and Contracts.

It shall be the duty of every forest officer before granting a permit for any use of the National Forests to consider its effect on the water supply, and, when necessary, to incorporate in the permit or contract stipulations which will afford protection from possible injury.

#### Cooperative Agreements.

To insure the sufficiency and purity of the water supply of a municipality or of an irrigation district, or to prevent floods and snowslides, the use of watersheds for grazing, timber, special uses, or settlement will be especially restricted by the Secretary when such restriction is necessary (Reg. P-3). Ap-



plications for such restrictions should be made to the forest supervisor by city authorities or by petition of associations or interested citizens. The supervisor will submit a complete report upon the application, paying particular attention to the need and reasonableness of the restrictive measures requested, and the effect which the proposed restrictions will have upon established industries. The loss of revenue which will result from the restrictions should also be reported.

If the applicants do not desire a specific agreement the district forester may, if he considers the restrictions justifiable, issue the necessary instructions to the supervisor. If, however, the district forester considers the proposed restrictions unjustifiable, he will forward the papers to the Forester, with a full report of his reasons for not granting the request.

When the applicants desire a definite agreement the district forester will forward all papers and his report to the Forester. All agreements for restriction in the use of forest resources to protect water supplies will be signed by the Secretary.

If special protective measures, such as the construction of fences, firebreaks, or other works, or the appointment of additional patrolmen will be required, a stipulation should be inserted in the agreement defining the assistance to be given by the parties benefiting from the restriction of use.

The agreements should be prepared in quintuplicate in accordance with the accompanying sample form. After execution by the proper representative of the applicants the agreement will be submitted to the district assistant to the solicitor for approval of the legal execution. The original and one copy will then be forwarded to the Forester for approval by the Secretary. The original will be filed in the Washington office, and the duplicate will be sent to the applicants through the district forester. A copy will be retained by the district forester and two sent to the supervisor, marked "Supervisor's" and "Ranger's" copy.

#### Form of Agreement.

### UNITED STATES DEPARTMENT OF AGRICULTURE.

#### OFFICE OF THE SECRETARY.

#### *Cooperative Agreement for the Purpose of Conserving and Protecting the Water Supply of -----*

THIS AGREEMENT, made and entered into this ----- day of -----, one thousand nine hundred and -----, by and between ----- of ----- State of ----- through -----, its mayor, and the United States Department of Agriculture, through -----, Secretary of Agriculture, WITNESSETH THAT—

WHEREAS the following-described lands ----- comprising ----- acres, more or less, within the ----- boundaries of the ----- National Forest, form a part of the watershed from which the water supply of the said city is obtained.

Now, therefore, for the purpose of conserving and protecting the water supply of the said city, the Secretary of Agriculture agrees:

FIRST. That the use of said lands will not be permitted without the approval of the proper city authorities, except for the following purposes, to wit: Measures necessary for the proper protection and care of the forests; the marking, cutting, and disposition of such timber as, in the judgment of the forest officers, may be removed without injury to the water supply of said city; for the construction of roads, trails, telephone lines, and other means of transportation and communication not inconsistent with the object of this agreement; and for rights of way or other rights or interests acquired under acts of Congress.

SECOND. That all persons employed on or occupying any of these lands for any purpose will be required to comply with the regulations governing National Forests, and to observe such sanitary regulations as may be proposed by the said city and approved by the Secretary of Agriculture.

THIRD. That, so far as practicable with the means at his disposal, the Secretary of Agriculture will extend and improve the forests upon these lands by seeding and planting and by the most approved methods of silviculture and forest management.

And the \_\_\_\_\_ for the city of \_\_\_\_\_  
AGREES that the said city will cooperate with the Forest Service in patrolling the above-described lands for the enforcement of the regulations and the prevention and suppression of forest fires; and that the additional guards rendered necessary by this agreement shall be appointed by and be directly responsible to the supervisor of the \_\_\_\_\_ National Forest, but their compensation will be paid by the said city.

The undersigned agree to the above propositions and agree to carry them out as far as they have official power and authority to do so.

[SEAL OF CITY.] City of \_\_\_\_\_

By \_\_\_\_\_  
(Mayor)

Attest: \_\_\_\_\_  
(City Clerk)

\_\_\_\_\_  
Secretary of Agriculture.

Resolutions of city council or governing authority of the city authorizing the signing of this agreement by the mayor should accompany the agreement.

#### Instructions to Carry Out Terms of Agreements.

When restrictive measures have been agreed upon between the Forest Service and municipalities or other applicants, the district forester will issue definite instructions to the supervisor in regard to the manner in which the restrictive or protective measures will be put into effect. Record of restrictive measures should be kept on a map in both the district forester's and the supervisor's offices.

### WATER DEVELOPMENT.

#### Stock Tanks.

Permits for the construction of stock-watering tanks may be issued free of charge to grazing permittees or to owners of exempt stock provided that all stock grazed under permit upon the range are allowed access to the water.

The inclosure of not more than 40 acres in connection with the watering place may be allowed when necessary for the protection of the range but the water must be made available for use of all exempt stock and for all stock grazed upon the range under permit.

If inclosure is allowed for the exclusive use of the permittee, regular pasture charge will be made.

#### Special Requirements.

"To keep the stock tank in such condition and repair that it will not be a menace to stock watering there."

"This permit shall be without effect except in connection with a grazing permit or the use of exempt stock."

"This permit is granted and accepted with the understanding that the stock tank shall remain intact after the expiration of the permit and shall become the property of the United States."

#### Domestic or Municipal Water Supply.

Springs and other sources of water supply may be improved and developed for domestic and municipal purposes, and the entire supply may be so used when this is clearly the highest use to which it can be put. Any surplus water above what is required for the needs of the domestic or municipal user must be left free for other purposes.

A reasonable amount of land surrounding the source of supply, to be determined by the forest supervisor, may be inclosed to prevent contamination.

#### Wells.

Where for any purpose wells are sunk under permit, the permit should specify that in case of abandonment by the permittee the surface improvements, like windmills, etc., may be removed, but that subsurface improvements, such as walls and casings, shall become the property of the United States.



## **WILD HAY.**

### **Charges.**

The minimum charge shall be 25 cents per acre and not less than \$2 for any permit.

### **Preference Applicants.**

In issuing permits to cut hay, preference should be given those applicants who actually need the hay for their own use rather than those who contemplate selling it to others.

## **INTERIOR DEPARTMENT RIGHTS OF WAY EASEMENTS.**

### **EXPLANATIONS.**

#### **Jurisdiction.**

The following rights of way, amounting to easements across National Forest lands, are provided for by Congress and are under the jurisdiction of the Secretary of the Interior.

#### **Railroad Grant.**

The act of March 3, 1899 (30 Stat., 1214), grants rights of way for railroads over National Forests.

#### **Grant for Irrigation Works.**

The act of March 3, 1891 (26 Stat., 1095), as amended by the act of May 11, 1898 (30 Stat., 404), grants rights of way across the public lands and National Forests for irrigation reservoirs and canals.

#### **Grant for Municipal and Mining Purposes.**

Section 4 of the act of February 1, 1905 (33 Stat., 628), grants rights of way in National Forests for reservoirs, conduits, and water plants for municipal and mining purposes.

#### **Applications to Local Land Offices.**

All applications for rights of way under the foregoing acts must be filed in the proper local land office of the Department of the Interior.

#### **Applicants May Take Department of Agriculture Permits.**

Particular attention is called to the fact, however, that the acts above mentioned, granting rights of way amounting to easements for railroads, irrigation reservoirs and canals, and reservoirs, canals and water plants for mining and municipal purposes, do not in any way prevent or interfere with the securing of permits for these purposes from the Department of Agriculture. The issuance of a permit for any of the purposes named will not in any way prevent the permittee from filing a map of location for approval and record by the Secretary of the Interior under the right-of-way acts. The granting of an Interior Department right of way supersedes the permit issued by the Department of Agriculture.

#### **Stipulations to Protect National Forests.**

The regulations of the Department of the Interior require that all applicants to that department for rights of way amounting to easements in National Forests shall enter into such stipulations and execute such bonds as the Forest Service may require for the protection of the National Forests.

#### **Applications Referred to District Forester.**

All such applications, when received from the General Land Office at Washington, will be referred by the Forester to the district forester of the district in which the rights of way applied for are situated, in order that the district forester may, before recommending the approval of the right of way require the applicant to file such stipulations and bond, if any, as may be necessary to protect National Forest interests.

#### **Applications Affecting Unsurveyed Lands.**

The following regulation relating to applications under the act of March 3, 1891 (26 Stat., 1095), affecting unsurveyed National Forest lands, was approved by the Secretaries of the Interior and Agriculture on November 5, 1915.

(1) On the filing of maps involving unsurveyed lands within National Forests the General Land Office will inform applicants that the maps are accepted for filing for general information, but that such acceptance gives no rights

upon the ground so long as the lands remain unsurveyed; that the Secretary of Agriculture holds that it is necessary to secure a permit before construction can be commenced upon the National Forests; and that, therefore, a copy of the map has been transmitted to the Forester of the Department of Agriculture, who will take action upon the application.

(2) The Forest Service will accept the map so transmitted as an application for a permit to occupy and use, pending survey, the land indicated upon the map and will forward a copy of the map to its field officers with instructions to issue a permit for the lands applied for, unless there should be good reasons for disapproving the application. Upon issuance of permit a copy thereof will be forwarded to the General Land Office as information of action taken by the Department of Agriculture and in order to clear the record of the General Land Office.

### **PROCEDURE.**

#### **Error in Place of Filing.**

An application filed in error with the Forester, district forester, or supervisor will be returned to the applicant for filing in the proper local land office.

#### **Initial Action by Forester.**

When the Forester receives the map of application from the General Land Office he will make three prints and return the original with an appropriate letter. He will then send to the district forester the prints and three carbon copies of his letter to the Commissioner.

#### **Initial Action by District Forester.**

Upon the receipt of the prints and carbons, the district forester will forward two copies of each to the supervisor and retain one copy of each for his own files.

#### **Action by Supervisor.**

Upon the receipt of the prints and carbons, the supervisor will forward one copy of each to the ranger, will cause an immediate field examination to be made, if practicable, and will report with recommendations to the district forester on Form 964. This report should include a statement of only such timber within the right of way as will be cut or destroyed. An estimate on Form 578-b and forest description on Form 578-a will be required whenever the amount of timber to be cut or destroyed exceeds \$100 in value. This estimate and report need not be made until the permittee is ready to begin construction. When it appears to the supervisor that the right of way applied for will be used in connection with the development of water power or may conflict with such development, he will recommend to the district forester that a field examination be made by the district engineer. Interior Department cases need not be referred to the supervising engineer of the Reclamation Service.

#### **District Engineer's Examination.**

If in the judgment of the district forester a field examination by the district engineer is necessary, he will cause such examination to be made. In such cases the district engineer will make a field examination of the project and collect all the data bearing upon the case that may be necessary and available. Whenever practicable the supervisor will cooperate in making this examination.

If the right of way is to be used for a railroad the district engineer should determine whether in his judgment the road, if built, will cross reservoir sites of special value or those likely to be needed in the near future, or will interfere with power or other development already projected. In such cases the district engineer should report whether the power or other use is so immediate or so important as to justify the department in recommending to the Secretary of the Interior that he require a relocation of the line before approving the application.

If the application is for an irrigation right of way under the act of March 3, 1891, or for municipal or mining purposes under the act of February 1, 1905, the opportunity for the use of the right of way for other purposes, especially for the development of power, should be carefully investigated.

#### **District Engineer's Report.**

After the completion of the examination and the collection of data, the district engineer will submit to the district forester six copies of a report on the project, describing it in detail and giving the results of his examination. If the application is under the act of March 3, 1891, or February 1, 1905, the



report should state the amount of water to be used and the locality where used. If the development of power is contemplated or is possible, a careful estimate should be made of the amount of power capable of development, whether if developed it will be used commercially or otherwise, and the comparative value of the right of way if used as applied for, or if used for the development of power. The report should contain recommendations, with a full and concise statement of the reasons therefor, concerning the approval or disapproval of the application. Copies of the report will be sent to the supervisor for his and the ranger's files.

#### **District Forester's Action on Favorable Report.**

If upon the showing made in the report of the supervisor or the district engineer the district forester believes the application should be approved, he will prepare six copies of a stipulation, forwarding four copies to the supervisor, the original for execution by the applicant, the other three for the applicant's, supervisor's, and ranger's files. Upon the receipt of the executed stipulation he will submit it to the district assistant to the solicitor for approval as to its form and execution, and when approved the district forester will prepare a letter to the Secretary of the Interior for the signature of the Secretary of Agriculture, reporting favorably upon the application, and will forward it, together with the executed stipulation and two copies thereof, for the Department of the Interior, the supervisor's report, and the correspondence file, to the Forester.

#### **District Forester's Action in Unfavorable Report.**

If upon the showing made in the reports of the supervisor and the district engineer, or upon his own knowledge of the case, the district forester believes that the application should not be approved, he will not prepare the stipulation for execution by the applicant, but will forward the reports, recommendations, and other papers as in the case of a favorable report. He will also prepare and forward with the other papers a letter for the signature of the Secretary to the Secretary of the Interior, stating the grounds upon which the unfavorable action is recommended. If, however, the application is not approved because it appears to have been made under the wrong act and not to the wrong department, as for instance an application made under the act of March 3, 1891, instead of the act of February 1, 1905, the district forester will prepare the stipulation as in a favorable report, present it for execution by the applicant, and transmit it with the other papers.

#### **Final Action by Forester.**

After the recommendation has been made to the Department of the Interior, the Forester will return all the papers in the case to the district forester. When the Forester receives notice from the General Land Office that a right of way is finally granted or denied, or that proof of construction has been filed, he will forward such notice to the district forester, who will inform the supervisor.

#### **Action by District Forester on Applications Affecting Unsurveyed Lands.**

On receipt of the usual supervisor's and district engineer's reports, if one should be required from the latter, the district forester will determine whether in his judgment the applicant should be given a special-use permit authorizing the use of the right of way described in the application. Special attention should be given to the question whether the right of way is to be used for hydroelectric power development or could interfere with such development. Should he decide to take favorable action a special-use permit will be issued by him. Seven (7) copies of the permit should be made—one for the district forester, one for the permittee, one for the supervisor, one for the ranger, one for the Forester, and two (2) for the Commissioner of the General Land Office. No charge will be made for this permit. If the district forester believes no permit should be granted, he should so inform the Forester and give his reasons for his recommendation.

#### **Status Records.**

When notified of the granting of an easement by the Department of the Interior, the supervisor will make proper notation thereof in his status records and advise the ranger of the approval of the maps.

## BREACH OF STIPULATIONS.

### Judicial Action Necessary.

Legal proceedings are necessary to compel the grantee of rights of way to comply with the stipulations agreed to as a condition of the grant. Such proceedings will be under the direction of the Attorney General of the United States upon the recommendation of the Secretary of the Interior.

### Action by Supervisor.

In case of the breach of stipulations required by the Interior Department, on the recommendation of the Secretary of Agriculture, as a condition for the granting of rights of way amounting to easements in the National Forests, the supervisor will make a full report of the facts to the district forester. If rights of way acquired under any of these acts are used for any purpose not specifically provided by the granting act, that fact should be reported immediately.

### Action by District Forester.

In case of such a breach of stipulation by the grantee of the rights of way, the Department of Agriculture will report the facts to the Department of the Interior by a letter to the Secretary of that department, prepared by the district forester in cooperation with the assistant to the solicitor, for the signature of the Secretary of Agriculture, accompanied by all reports or other information bearing on the case.

## FORFEITURE OF GRANTS.

### Judicial Action Necessary.

Legal proceedings are necessary to secure the forfeiture of rights of way amounting to easements. Such proceedings will be under the direction of the Attorney General of the United States upon the recommendation of the Secretary of the Interior.

### Action by Supervisor.

The supervisor will report the facts to the district forester when construction work is completed, and if not completed within five years from approval of map, will report that fact. When the rights of way are being used for purposes not authorized by the act, as where a right of way secured under the irrigation right of way is not used for the main purpose of irrigation, but for generating power for sale, the supervisor will report the facts.

### Action by District Forester.

In case of misuse or nonuse of rights of way amounting to easements in the National Forests, the Department of Agriculture will report the facts to the Department of the Interior by a letter to the Secretary of the Interior prepared by the district forester, in cooperation with the district assistant to the solicitor, for the signature of the Secretary of Agriculture, accompanied by all reports or other information bearing upon the case. In cases reported upon by the district engineer all papers will be transmitted to the Forester through the chief engineer.

### Report of District Engineer.

When misuse of rights of way is involved an examination should be made by the district engineer, whenever in the judgment of the district forester such examination is desirable. The report should set forth the character of the misuse and such other facts as would be presented in a report upon an original application. The report will be in duplicate and one copy will be sent to the supervisor for his files.



## CLAIMS.

### REGULATIONS.

#### Relinquishments.

REG. L-41. No forest officer shall request a homestead entryman to relinquish his claim or suggest for any reason whatsoever that such a course is desirable. If any homestead entryman voluntarily offers to relinquish his claim, the forest officer may suggest that the relinquishment be transmitted to the local land office, but shall not encourage this to be done. Forest officers who receive by mail relinquishments from claimants must return the same, with the suggestion in every case that if the entryman desires to relinquish he should send the relinquishment to the local land office. No forest officer shall be a party to a compromise whereby any claims or trespass case is settled by requiring the claimant to relinquish a claim to the United States.

When relinquishments are offered which cover lands needed for administrative purposes, and when it is desired to pay the claimant for improvements thereon, a recommendation, accompanied by the reasons in each specific case, shall be submitted to the Forester, who may authorize the purchase of the improvements upon the filing of the relinquishment in the local land office.

<sup>a</sup> REG. L-42. Whenever the Secretary of Agriculture shall determine that the use of any portion of the surface of the lands included in a mining location within a National Forest is required for the administration, protection, or improvement of the National Forest, and may be so used without interfering with the development of the mineral resources of such claim, such lands shall, prior to the allowance of mineral entry, be subject to use by the United States, or its permittees, for the purposes named.

### <sup>b</sup> GENERAL INSTRUCTIONS.

#### Why Claims are Examined.

The administration of the National Forests is a duty imposed upon the Secretary of Agriculture by law. In order properly to discharge that duty, it is necessary that he ascertain the status of all lands within the National Forests. The examination of claims within National Forests by forest officers is therefore made primarily in furtherance of this object. The information thus obtained by the employees of this department is, as a matter of governmental economy, placed at the disposal of the Secretary of the Interior, upon whom rests the responsibility for determining the title to all lands within the National Forests.

It is not the purpose or intent of the department to initiate contests against claimants who have entered lands in the National Forests in good faith to secure a home or for other purposes recognized by law, and in such cases no contest should be initiated upon slight, technical noncompliance with the law. It is the purpose and intent, however, to protect the lands of the United States within the National Forests from acquisition by those who do not seek them for purposes recognized by law, and when it is apparent that an entry or a claim is not initiated in good faith and in compliance with the spirit of the law under which it is asserted, but is believed from the facts to be a subterfuge to acquire title to timberland, or to control range privileges, water, a water-power site, or rights of way; or if it otherwise actively and materially interferes with the essential interests of the National Forest in that locality and is not made or maintained in good faith, a contest should be recommended, even if the technical requirements of the law appear to have been fulfilled. As to mining

<sup>a</sup> Regulation added; effective Dec. 1, 1915. (63-L) <sup>b</sup> Instructions modified; effective Nov. 20, 1915.

claims, it should especially be borne in mind that good faith almost necessarily exists when the claims are located on untimbered and unwatered lands which control no means of access or rights of way and are valueless for any occupancy purposes. There is no restriction whatever on going on the National Forests for prospecting and locating mining claims. No permit is necessary.

#### **Initiation of Claims on National Forest Land.**

No claims can be initiated upon lands within National Forests, nor upon lands withdrawn for National Forest purposes, except under the mining laws, the coal-land laws, certain right-of-way laws, and under the act of June 11, 1906, (34 Stat., 233). Claims, however, within a National Forest initiated prior to the withdrawal of the lands, or their inclusion therein, may be perfected and patents obtained by compliance with the law under which such claims were initiated.

#### **Determination of Title to Claims.**

The determination of questions involving title to unperfected claims in National Forests is within the jurisdiction of the Secretary of the Interior.

#### **Definition of a Valid Claim.**

A valid claim is one initiated in good faith under some act of Congress for the acquisition of title to public lands and continued by use consistent with the character of the claim and necessary for its actual development.

It is a fundamental requisite that all claims be initiated in good faith for the purpose contemplated by the law under which they are held. It is bad faith, for instance, to hold a mining or agricultural claim primarily for the timber thereon or to acquire a site valuable for water-power development. Where the land is held for the timber, for a hotel site, saloon site, or other foreign use, and there has been no compliance with the requirements of the law under which the claim was initiated, it may be considered prejudicial to National Forest interests.

#### **Government Adverse Claimant to Land Withdrawn for National Forests.**

It has been held by the Department of the Interior that the withdrawal of lands for and their inclusion in a National Forest constitutes the Government an adverse claimant to the land. No contest or protest against issuance of patent will be considered by the General Land Office unless specific charges are filed with that office, and adverse proceedings directed, within two years after the date of issuance of final receipt, except as to timber and stone entries. Reports should always be made as promptly as possible after notice of intention to make final proof is received.

#### **Reports on Claims are Confidential.**

In harmony with the practice of the General Land Office, all reports on claims made by forest officers must be held as confidential, and may be examined only by duly authorized officers and employees of the Government.

#### **Examinations of Mineral Claims.**

Prospecting will not be interfered with and mineral locations will not be examined prior to application for mineral patent, except where a report is requested by the Department of the Interior or where locations interfere with the administration of the National Forest. No adverse report will be submitted to the Department of the Interior which has not been made by a mineral examiner. Prospecting may be carried on without obtaining a permit from forest officers.

#### **Squatters' Claims on National Forest Land.**

A squatter is one who settled upon a tract of unsurveyed public land with the bona fide intent to acquire title thereto under the homestead law upon public survey of the land.

Squatters who settled upon National Forest land before its withdrawal and who have maintained residence thereon, improvements, and cultivation in good faith since settlement, and who are awaiting public survey to make entry, have the same right to occupy and enjoy their holdings as homestead entrymen.

Such a settler must make entry of the land claimed within three months from the filing of the township plat in the local land office for the district within



which such land is situated. Failure to do so may forfeit his prior right of entry.

No rights can be initiated in this way upon land which has been withdrawn for or included in a National Forest.

A posted notice of claim to a tract of land is not the basis of title, and where actual residence in pursuance of an intention to remain is relied upon as the basis, failure to maintain it may result in the forfeiture of the claim. Squatters may, at their option, await public survey or apply for the examination of their lands that they may be opened to entry under the act of June 11, 1906 (34 Stat., 233).

#### **Free Use of Timber for Development of Mining Claims.**

The locator, or subsequent owner, of a mining claim has a right to the use of sufficient timber from his claim for development purposes. This includes the construction of such buildings as may be necessary as an adjunct to such coal-land laws, certain right-of-way laws, and under the act of June 11, 1906 in connection with such development. Timber, however, may not be cut from one claim to be used on another claim, even if it be of the same group, unless its use tends to develop the claim from which it is cut, as well as the one on which it is used, except under free-use permit. (Regs. S-19 to S-27.)

A mining claimant has no right whatever to cut or remove timber from his claim for sale or for purposes other than the development of the claim, and such removal constitutes trespass (Reg. T-2), except where the removal of the timber reasonably in advance of the mining work is necessary to the development of the claim.

#### **Status of Lands after Cancellation of Claim.**

Upon the cancellation of any claim to lands within a National Forest the land involved becomes part of the National Forest, excepting entries canceled and reinstated under the act of March 3, 1911, and excepting canceled entries upon lands which are within the boundaries of the Forest, but which, by the conditions of the proclamation creating it, are not included therein, and unless the claim erroneously covered part of an odd-numbered section within the primary limits of a railroad grant or was canceled by reason of the superior adverse claim of another.

In cases of pending homestead entries, if the entry is not canceled within one year after the expiration of the seven-year period from the date of entry within which no proof has been submitted, the supervisor will report the case to the district forester, who will call this to the attention of the chief of field division. In these cases no report as required by Form 655 will be necessary, as, under the regular Land Office procedure, the local land office officials will notify the entryman to show cause why the entry should not be canceled on account of the expiration of the seven-year period.

#### **Passage of Title by Patent.**

The title of the United States passes with the patent, but its delivery is not necessary, since the title by patent is one of record and it relates back to the initiation of the claim and cuts off all intervening claims.

#### **Passage of Title by Certification.**

If a patent to public land is not expressly required by law, title passes fully by certification (as in the case of a land grant to a State). If, however, the certification is erroneous for any reason, patent may issue on a bona fide entry of record prior to or at the date of such certification.

#### **How Patents may be Annulled.**

A patent can be invalidated only by judicial proceedings, but where a patent fails properly to describe the land it may be surrendered and a new patent will issue to correct the mistake. Proceedings to annul patents must usually be instituted in a court of competent jurisdiction within six years from the date of patent. The United States will not attack a regularly issued patent without a convincing showing that fraud was committed in procuring it.

#### **Suit to Vacate Patent.**

Suit to vacate a patent will be recommended to the Department of Justice by the Department of the Interior where it appears that the final proof was

false or fraudulent; but such suit will not be advised where the evidence is not convincing or where the land is in the hands of an innocent purchaser without notice of the fraud. The right to bring suit in the name of the United States to set aside a patent exists only when the Government has an interest, or where the title has been secured by false and fraudulent evidence introduced to affect the judgment of the Land Office officials, or the Government is under obligation to make the title good.

**Joint Regulations Relating to Claims Procedure.**

WASHINGTON, D. C., *August 5, 1915.*

To the Commissioner, chief of field service, chiefs of field divisions, registers and receivers, General Land Office, Department of the Interior; the Forester, district foresters, Forest Service, the Solicitor, and district assistants to the solicitor, Department of Agriculture.

GENTLEMEN: Better to effectuate cooperation in protecting the interests of the Government and settlers and other claimants to lands within National Forests, the following order is made, effective on and after October 1, 1915, superseding order of November 25, 1910 (39 L. D., 374):

1. Hereafter when a person files application to make entry, or to amend an existing entry, embracing lands within a National Forest, basing the right of entry, or amendment, on settlement prior to the establishment of the Forest, the register and receiver will require such person to file with his application a statement under oath, in duplicate, containing his name and address, description and character of the land involved, the date he established residence on the land, his absence from the land, kind and character of improvements placed thereon, and the amount of land cleared and cultivated, accompanied by the affidavit, in duplicate, of at least one disinterested person, corroborating the statement. The register and receiver will immediately forward the duplicate of such statement and affidavit to the supervisor of the National Forest in which the lands are embraced, with information as to the date of filing the application, the date of filing the township plat of survey covering the land, and any other facts of record affecting the application, and will suspend action on the application for 60 days, or upon the request of the forest supervisor, where climatic or other conditions require, for such time, not to exceed six months, as will enable him to make an examination of the claim, unless in the meantime they shall receive notice of no protest, as hereinafter provided.

2. The register and receiver in issuing notice of intention to make final proof upon claims, either mineral or nonmineral, within a National Forest shall immediately furnish a copy thereof to the supervisor in charge of such forest, and other than to publish such notice and receive final proof will, except in mineral cases as hereinafter prescribed, suspend action on the final proof for 60 days from date thereof, or upon the request of the forest supervisor, where climatic or other conditions require, for such time, not to exceed six months, as will enable him to make an examination of the claim, unless in the meantime they shall receive notice of no protest as hereinafter provided. In each case, however, where the register and receiver, upon examination of the final proof at any time after its submission, find it to be incurably defective, the same will be rejected and the Forest Service so advised, notwithstanding the time within which a protest may be filed hereunder has not expired.

3. The forest supervisor upon receipt of the statement mentioned in paragraph 1, or the notice mentioned in paragraph 2, will at once make investigation of the claim, and will submit to the district forester a report thereon, unless immediate investigation is impossible because of climatic or other conditions, when an extension of time will be requested as provided in paragraphs 1 and 2 hereof, and the investigation will be made and the report submitted as soon as possible within the period of extension. The district forester will promptly consider the report, and if of opinion that no protest should be filed will so advise the register and receiver. If the district forester is of opinion that a protest should be made, he will transmit the papers to the district assistant to the solicitor, who will prepare for his signature a protest, not under oath or corroborated, in which shall be plainly and briefly stated the grounds upon which the protest is based. The protest shall be filed in triplicate with the register and receiver of the proper local land office.

Instructions modified; effective Nov. 20, 1915. (66-L)



which such land is situated. Failure to do so may forfeit his prior right of entry. No rights can be initiated in this way upon land which has been withdrawn for or included in a National Forest.

A posted notice of claim to a tract of land is not the basis of title, and where actual residence in pursuance of an intention to remain is relied upon as the basis, failure to maintain it may result in the forfeiture of the claim. Squatters may, at their option, await public survey or apply for the examination of their lands that they may be opened to entry under the act of June 11, 1906 (34 Stat., 233).

#### **Free Use of Timber for Development of Mining Claims.**

The locator, or subsequent owner, of a mining claim has a right to the use of sufficient timber from his claim for development purposes. This includes the construction of such buildings as may be necessary as an adjunct to such development and the timber for shafts and tunnels, as well as for fuel in connection with such development. Timber, however, may not be cut from one claim to be used on another claim, even if it be of the same group, unless its use tends to develop the claim from which it is cut, as well as the one on which it is used, except under free-use permit. (Regs. S-26 to S-32.)

A mining claimant has no right whatever to cut or remove timber from his claim for sale or for purposes other than the development of the claim, and such removal constitutes trespass (Reg. T-3), except where the removal of the timber reasonably in advance of the mining work is necessary to the development of the claim.

#### **Status of Lands after Cancellation of Claim.**

Upon the cancellation of any claim to lands within a National Forest the land involved becomes part of the National Forest, excepting entries canceled and reinstated under the act of March 3, 1911, and excepting canceled entries upon lands which are within the boundaries of the Forest, but which, by the conditions of the proclamation creating it, are not included therein, and unless the claim erroneously covered part of an odd-numbered section within the primary limits of a railroad grant or was canceled by reason of the superior adverse claim of another.

In cases of pending homestead entries, if the entry is not canceled within one year after the expiration of the seven-year period from the date of entry within which no proof has been submitted, the supervisor will report the case to the district forester, who will call this to the attention of the chief of field division. In these cases no report as required by Form 655 will be necessary, as, under the regular Land Office procedure, the local land office officials will notify the entryman to show cause why the entry should not be canceled on account of the expiration of the seven-year period.

#### **Passage of Title by Patent.**

The title of the United States passes with the patent, but its delivery is not necessary, since the title by patent is one of record and it relates back to the initiation of the claim and cuts off all intervening claims.

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#### **How Patents may be Annulled.**

A patent can be invalidated only by judicial proceedings, but where a patent fails properly to describe the land it may be surrendered and a new patent will issue to correct the mistake. Proceedings to annul patents must usually be instituted in a court of competent jurisdiction within six years from the date of patent. The United States will not attack a regularly issued patent without a convincing showing that fraud was committed in procuring it.

#### **Suit to Vacate Patent.**

Suit to vacate a patent will be recommended to the Department of Justice by the Department of the Interior where it appears that the final proof was false or fraudulent; but such suit will not be advised where the evidence is not convincing or where the land is in the hands of an innocent purchaser without notice of the fraud. The right to bring suit in the name of the United States to set aside a patent exists only when the Government has an interest, or where the title has been secured by false and fraudulent evidence introduced to affect the judgment of the Land Office officials, or the Government is under obligation to make the title good.

**Forest Lieu Selections; Reconveyed Lands.**

Lands within the National Forests which have been reconveyed to the United States, in accordance with the act of June 4, 1897 (30 Stat., 36), and the regulations providing for selecting unreserved lands in lieu of such reconveyed lands, should be dealt with as follows:

1. If a selection has been made and approved the reconveyed lands should be administered as National Forest lands since they become such without qualification upon the approval of the selection.

2. If a selection has not been made or, if made, has not been approved no use of the reconveyed lands should be permitted which will affect their ultimate value or cloud the title thereto. If trespass is committed on reconveyed lands of this class the facts should be reported in full to the district forester, who will confer with the assistant to the solicitor as to the action if any to be taken.

**Joint Regulations Relating to Claims Procedure.**

WASHINGTON, D. C., *August 5, 1915.*

To the Commissioner, chief of field service, chiefs of field divisions, registers and receivers, General Land Office, Department of the Interior; the Forester, district foresters, Forest Service, the Solicitor, and district assistants to the solicitor, Department of Agriculture.

GENTLEMEN: Better to effectuate cooperation in protecting the interests of the Government and settlers and other claimants to lands within National Forests, the following order is made, effective on and after October 1, 1915, superseding order of November 25, 1910 (39 L. D., 374):

1. Hereafter when a person files application to make entry, or to amend an existing entry, embracing lands within a National Forest, basing the right of entry, or amendment, on settlement prior to the establishment of the Forest, the register and receiver will require such person to file with his application a statement under oath, in duplicate, containing his name and address, description and character of the land involved, the date he established residence on the land, his absence from the land, kind and character of improvements placed thereon, and the amount of land cleared and cultivated, accompanied by the affidavit, in duplicate, of at least one disinterested person, corroborating the statement. The register and receiver will immediately forward the duplicate of such statement and affidavit to the supervisor of the National Forest in which the lands are embraced, with information as to the date of filing the application, the date of filing the township plat of survey covering the land, and any other facts of record affecting the application, and will suspend action on the application for 60 days, or upon the request of the forest supervisor, where climatic or other conditions require, for such time, not to exceed six months, as will enable him to make an examination of the claim, unless in the meantime they shall receive notice of no protest, as hereinafter provided.

2. The register and receiver in issuing notice of intention to make final proof upon claims, either mineral or nonmineral, within a National Forest shall immediately furnish a copy thereof to the supervisor in charge of such Forest, and other than to publish such notice and receive final proof will, except in mineral cases as hereinafter prescribed, suspend action on the final proof for 60 days from date thereof, or upon the request of the forest supervisor, where climatic or other conditions require, for such time, not to exceed six months, as will enable him to make an examination of the claim, unless in the meantime they shall receive notice of no protest as herein-after provided. In each case, however, where the register and receiver, upon examination of the final proof at any time after its submission, find it to be incurably defective, the same will be rejected and the Forest Service so advised, notwithstanding the time within which a protest may be filed hereunder has not expired.

3. The forest supervisor upon receipt of the statement mentioned in paragraph 1, or the notice mentioned in paragraph 2, will at once make investigation of the claim, and will submit to the district forester a report thereon, unless immediate investigation is impossible because of climatic or other conditions, when an extension of time will be requested as provided in paragraphs 1 and 2 hereof. and the investigation will be made and the report submitted as soon as possible within the period of extension. The district forester will promptly consider the report, and if of opinion that no protest should be filed will so advise the register and receiver. If the district forester is of opinion that a protest should be made, he will transmit the papers to the district assistant to the solicitor, who will prepare for his signature a protest, not under oath or corroborated, in which shall be plainly and briefly stated the grounds upon which the protest is based. The protest shall be filed in triplicate with the register and receiver of the proper local land office.



4. Upon receipt of the protest, the register and receiver shall immediately forward a copy thereof to the Commissioner of the General Land Office, in accordance with Rule 4 of the Rules of Practice, and in every case immediately issue the notice required by Rule 5 thereof, accompanied by a copy of the protest, stating that unless the adverse party appears and answers the allegations of said notice within thirty days after service thereof, the allegations of the protest shall be taken as confessed. Upon the filing of the answer, the register and receiver shall set a date for a hearing, after consultation with the district assistant to the solicitor, and notify parties as provided in the Rules of Practice. Upon failure of the claimant to appear at the hearing the allegations of the protest will be taken as confessed. Hearings shall be conducted in accordance with the Rules of Practice. In other than mineral cases, action upon the application and upon the final proof, which may be offered in the usual manner, shall be suspended pending the final determination of the protest, except as provided in paragraph 2 hereof for the disposition of incurably defective proof. In mineral applications for patent the proof shall be considered on its merits, and, if found regular, certificate issued, but the claimant should be advised in such case that patent will be withheld by the General Land Office pending determination of the protest.

5. If no protest be filed within the time limit as provided in paragraphs 1 and 2 hereof, the register and receiver shall take appropriate action upon the application or the final proof. But in no case, in the absence of the filing of a protest or a no protest notice as hereinabove provided, shall patent issue until the Commissioner of the General Land Office is notified by, or ascertains from, the Forester that the claim will not be protested, as provided in paragraph 6 hereof.

6. A protest may be initiated against any claim, mineral or nonmineral, embracing lands within National Forests at any time prior to patent, by the Solicitor or the district assistant to the solicitor of the Department of Agriculture filing in the local land office, in triplicate, a complaint signed by the Forester or the district forester, not under oath or corroborated, setting forth clearly and briefly the grounds of the protest. Upon receipt of such complaint the register and receiver shall forward a copy thereof to the Commissioner of the General Land Office; issue the notice required by Rule 5 of the Rules of Practice, accompanied by a copy of the complaint; and arrange for a hearing, if applied for, as provided in paragraph 4 hereof.

7. In all hearings affecting lands or claims within a National Forest the district assistant to the solicitor will be entered of record as appearing in behalf of the Government, and will conduct the Government's side of the case.

8. Forest lieu and school selection cases will be handled by the chiefs of field division of the General Land Office in like manner as heretofore. The forest officers will, upon request of the chiefs of field division, render any assistance possible in the making of investigations, and the district assistants to the Solicitor of the Department of Agriculture will cooperate with the chiefs of field division in the conduct of hearings in such cases, and thereafter will take action in like manner as heretofore, including the taking of appeals to the Secretary of the Interior.

9. In all Government cases before registers and receivers involving lands or claims within a National Forest, the district assistant to the solicitor shall be served with copies of all answers, appeals, motions, orders, and decisions required to be noted under the rules in cases of private contests. The proper law officers of the Department of Agriculture shall also have a right of appeal from any decision by the Commissioner of the General Land Office and to file motion for rehearing in the Department of the Interior, or take other like action in the same manner as a private contestant, and shall receive like notices of proceedings and decisions: *Provided, however,* That the Department of Agriculture shall not be required to take formal appeals from decisions of registers and receivers.

10. Chiefs of field division and special agents will not hereafter take action in regard to any claims within a National Forest, except as provided in paragraph 8 hereof, unless specifically directed by the Commissioner of the General Land Office or the Secretary of the Interior: *Provided,* That chiefs of field divi-

sion may, on request of a district forester, assign mineral examiners to assist in the investigation of cases involving mining claims.

11. Costs of hearings will be paid from the appropriation for expenses of hearings in land entries as now provided for other Government contests. Prior to June 1 of each year the district assistant to the solicitor will mail to the chief of field division in whose division the lands involved lie an estimate of the funds necessary to cover the hearings during the first quarter of the ensuing fiscal year. Like action will be taken on the first day of each month which immediately precedes the other quarters of the fiscal year. Such estimates should be accompanied by a list of the cases to be heard, which should include the names of claimants, local land office, and serial number of entry or application, and character of entries or filings. The chief of field division will transmit the lists and estimates received from the district assistant to the solicitor to the Commissioner of the General Land Office at the same time he submits his estimates for hearings involving lands in his district outside of National Forests. When these lists and estimates are received in the General Land Office the appropriation will be allotted for the quarter, and each chief of field division will be advised of the amount which will be allowed for Forest cases, and he will advise the district assistant to the solicitor thereof. Payment for the expenses of hearings from the appropriation so allotted will be made by special disbursing agents upon proper vouchers, as is now provided for Government contests in cases outside of National Forests, but such vouchers must be approved by the district assistant to the solicitor and by the chief of field division before payment is made.

Respectfully,

FRANKLIN K. LANE,  
*Secretary of the Interior.*  
D. F. HOUSTON,  
*Secretary of Agriculture.*

## PROCEDURE ON NATIONAL FORESTS.

### When Examination and Report Will be Made.

Examinations and reports upon claims will be made by forest officers under instructions from the forest supervisor.

(a) Upon request from the Commissioner of the General Land Office.

(b) Upon receipt from the local land office of notice of intention to make entry based on settlement prior to the establishment of the Forest, or of notice of intention to submit final proof on an agricultural claim, or of notice of application for patent on a mining claim.

(c) When claimants are making unlawful uses of claims or are holding them for unlawful purposes, or bad faith in connection with them is manifest, or when a trespass occurs upon or under color of a claim.

### Record of Claim in Supervisor's Office.

When a claims case is initiated the supervisor will make an index card and a folder for the case, using a white card for agricultural claims and a blue card for mineral claims. Upon the index cards will be entered the case designation and such notation as may be necessary. The case will be filed alphabetically according to the name of the claim or claimant. The supervisor will then secure the status of the land if necessary and order the examination.

### Evidence to Support the Facts Ascertained and Reported.

The strength of the report does not rest primarily upon the number of witnesses, but rather upon their credibility and opportunity for knowing the facts. When a report shows adverse facts, it should give the names of two or more disinterested witnesses, by whom the statements can be proved, and should be accompanied by affidavits or statements regarding the facts to which they will testify at a hearing. If affidavits can not be obtained, a statement of facts by each witness (preferably signed by the witness) and his attitude in the premises should be furnished, since incorrect impressions may be obtained from conversations, and a witness's statement on the stand may vary in a marked degree from the impression which he gave the forest officer when interviewed. The



forest officers should seek to ascertain only relevant facts about the claim under examination. Facts should be reported whether they are favorable or unfavorable. In adverse cases the report of facts should be corroborated by the testimony of witnesses. Photographs showing topography and general natural conditions should be obtained whenever possible.

#### **Affidavits and Statements of Witnesses.**

Every affidavit or statement should include the county of residence and post-office address of the witness. Those who have lived near the claim are preferable to those residing at a distance. Where possible, effort should be made to secure the testimony of reputable members of the community with no interest in the case except to state the facts.

#### **Witnesses in Behalf of Claimant.**

If forest officers know that witnesses who may be summoned to testify in behalf of the claimant are aware of facts adverse to the claimant but to which they will probably fail to testify, they should report those facts when ascertained to the district forester.

#### **Form of Affidavits.**

In the preparation of statements care should be taken to see that they do not contain conclusions of the witnesses, but only statements of known facts. For instance, such statements as "Claimant has not resided upon the land in good faith," or "has not shown good faith in his occupancy and improvement of the premises," or in the case of a mining location "has not expended the required amount in labor to entitle him to patent," or "has not used the claim for the purpose contemplated by the mining law," are all conclusions and must be left to the officer of the Interior Department who passes upon the testimony.

The following form of affidavit may be used:

STATE OF -----, county of -----, ss:

-----, whose post-office address is -----, being duly sworn, deposes and says: (Here follows a concise statement of the facts disclosed by the affiant.)

That I have carefully read the foregoing statement of facts, understand their import, and they are true to the best of my knowledge.

Subscribed and sworn to before me this ----- day of -----, 19--.

(Signature of the affiant.)

(Name of forest officer.)

(Title of forest officer.)

#### **Statement by Witness to Others.**

When it is reported that a claimant or a witness made any statement respecting the claim to another, the name of the person to whom such statement was made and his post-office address should appear, together with information as to the time and place of making such statement. When any statement in the report is made upon the authority of another, the name and address of the person from whom the information was obtained should be given.

#### **Hearsay or Opinion; Negative Evidence.**

Hearsay (statements by persons without actual knowledge of the facts) or opinions regarding the claimant's movements, intentions, or actions are valueless. Negative testimony also is of little force. For example, where the affiant states "he did not see the claimant at a certain place" or "on a certain occasion." From the testimony it should appear that the affiant or witness was present and in a position where he must of necessity have seen the claimant if he had been there.

#### **Affidavits and Statements Confidential.**

Affidavits and statements will be treated as confidential and will not be produced at a hearing or at any other time unless the witness on the stand departs from the statements formerly made.

#### **Administering Oaths.**

Forest officers who administer oaths must verify the signature of the witness at the time of securing an affidavit or written statement.

#### **Use of Notebook in Hearings.**

Since witnesses are called upon to testify in great detail, forest officers should carefully note all facts in their notebooks at the time of the examination or of their occurrence, and they may testify from such memoranda at the hearing. Only original notes can be used by a witness at the hearing to refresh his memory.

#### **Report on Claims Covering Reservoir or Power Sites.**

If the land involved in any claim to which title is sought from the United States is valuable and apparently held as a reservoir or power site, it should be reported with details as to the dimensions and construction of the dam, area of watershed and of reservoir, and volume and fall of water controlled by the site, and particularly as to the interests proposed to be served by such reservoir or power site and respecting the movements and operations of the claimant.

#### **Correct Record of Condition on Homestead Claims.**

In order to have complete information at hand regarding all homestead claims on the Forests, it is important that a record be kept by the district ranger of the condition of all unpatented homestead claims in the district. If this information is compiled from time to time it will not be necessary to depend entirely upon the statements of settlers and local residents when formal reports are called for. Information so obtained should be filed separately by cases in the rangers' files. Supervisors should keep district rangers informed of the location of all claims of this character. When possible, an annual report should be made by the district ranger on each unperfected homestead entry in his district. This report should be placed in the supervisor's files and should not be forwarded to the district forester. Reports should include material facts and give specific dates regarding residence and improvements and should also include the names and addresses of witnesses who are familiar with the facts.

#### **What Constitutes a Favorable Report on a Homestead Claim.**

A report on a homestead claim will be considered favorable when it shows that the claim is apparently held in good faith and in accordance with the terms of the law under which it is asserted.

#### **Reports on Mining Claims.**

Reports on mining claims by forest officers not specially qualified to pass on mineral value will be considered preliminary reports and will omit discussions of paragraphs 5, 6, and 10, of Form 654.

#### **What Constitutes a Favorable Preliminary Report on a Mining Claim.**

A preliminary report on a mining claim will be considered favorable when it shows (a) that the claim is apparently held in good faith for the purposes authorized by law; (b) that the expenditure has been made on the improvement work as required by law; and (c) that the issuance of patent will not prejudice the interests of the United States.

#### **Recommendations in Report on Claims.**

A report upon an agricultural claim will contain a recommendation whether or not proceedings should be instituted against the claim to determine its validity or whether the claim should be patented. No recommendation for or against patenting will be made in a preliminary report upon a mineral claim. In the case of an unfavorable report by a mineral examiner the recommendation should be made by such officer that the location or entry "be declared invalid" or "canceled," and the report should specify the charges or reasons for making the adverse recommendations. Where the report is favorable, the recommendation should be that "patent issue."

Examiners reporting on claims cases should ascertain if the area to be alienated conflicts in any way with or is a part of a water-power project.



Where it is believed that the land for which patent is asked is valuable for use in connection with hydroelectric power development, the examiner should so state that fact. When the report is approved, it should also be stated whether the land to be patented is a part of a site covered by a preliminary or final water-power permit. Reports showing possible power value in lands should be brought to the attention of the district engineer.

**Thoroughness of Investigation and Completeness of Report.**

A report upon a claim, when received by the supervisor, should be carefully scrutinized to insure the thoroughness of the investigation and the completeness of statement. If, for any reason, it appears that the report is erroneous or incomplete, the supervisor will return it to the forest officer who made the examination, indicating its defects and requiring its correction.

**Summary of Witnesses After Hearing is Ordered.**

When requested by the district assistant to the solicitor, the supervisor will, whenever practicable, instruct a forest officer to see the witnesses for the Government and ascertain whether there is likely to be any change in their testimony from that indicated in the report on the case. The reply of the supervisor will be addressed to the district assistant to the solicitor through the district forester. Should it be found that any witness will be unable to attend the hearing, that fact will be reported to the district assistant to the solicitor that steps may be taken to secure a deposition. When requested by the district assistant to the solicitor, the following form will be prepared by the supervisor, who will transmit two copies to the district assistant to the solicitor. The summary must bear the case designation and the date of the report to which it relates. It must be in the hands of the district assistant to the solicitor not less than two weeks prior to the date set for the hearing.

The summary of witnesses will be submitted in the following form:

**Witnesses to sustain charge No. 1:**

Name.	Occupation.	Residence. <sup>1</sup>		Post office, town, and county.	Affidavit secured.
		Section, township, and range.	Miles from town, town, and county.		

**Witnesses to sustain charge No. 2:**


**Witnesses to sustain charge No. 3:**


<sup>1</sup> To be filled in, except where witness lives in a town.

\_\_\_\_\_,  
Forest Supervisor.

**Closing Claims Cases.**

When the report is favorable to the patenting of the claim, the case will be closed when the supervisor is notified by the district forester that a favorable report has been forwarded to the local land office.

When the report is adverse to the patenting of the claim, the case will be closed when the supervisor is notified by the district forester of the final decision in the General Land Office.

**Reports, Form of.**

Reports will be prepared in accordance with the outline on Form 654 or Form 655 and will be made with an original and two copies. One copy will be retained by the forest officer who makes the report, one by the supervisor and the original will be forwarded to the district forester, together with the original of all affidavits and the original letter or notice which requires the report. At the top of the first page of the report a reference to the letter of request or notice will be made by indorsement to identify the report with the related papers in the file of the General Land Office. The indorsement will be in the following form: "Reference is made to the Commissioner's letter (Oakland 030108) dated January 18, 1909," or "Reference is made to notice of application to submit final proof H. E. Missoula 023".

**Action Upon Receipt of Notice of Final Proof or of Application for Mineral Patent.**

In accordance with the regulations approved by the Secretary of Agriculture and the Secretary of the Interior on August 5, 1915, registers and receivers will send to supervisors concerned copies of notices of intension to make final proof and of applications for mineral entry. If supervisors find that they are unable to obtain reports and transmit them to the district forester within thirty days from receipt of notice, they should at once request the register and receiver for an extension of time as provided in paragraphs 1 and 2 of the joint regulations of August 5. When an extension is requested, a copy of the letter to the register and receiver should be sent to the district forester. In every case the report should be submitted to the district forester at least thirty days before the expiration of time allowed under paragraphs 1 and 2.

Reports on lands entered under the Act of June 11, 1906, should state when the claimant commenced residence on the land and whether it was under special-use permit.

**Failure to Receive Notice from Registers and Receivers.**

In cases where the supervisor fails to receive notice of final proof or notice of application for mineral patent at the time of or soon after the beginning of the period of publication, he will report the fact to the district forester for appropriate action.

**Forest Officers will not Appear at Final Proof.**

Forest officers will not appear at taking of final proof to cross-examine claimants or their witnesses.

**Action Upon Receipt of Notice of an Order for Mineral Survey.**

Notice of an order for survey of a mineral claim is not a request from the Interior Department for a report, and no report on the claim will be made at the time of this survey unless the claim actually interferes with the administration of the National Forest. Upon receipt of notice of an order for mineral survey, which notice will contain the name and address of the mineral surveyor and of the claimant and the name, survey number, and approximate location of the claim, the supervisor will, when practicable, instruct a forest officer to be present when the survey is made. The forest officer will make and submit a memorandum, to be filed for future reference, of the boundaries, the expenditure, and the development work, to which the surveyor will certify, and of the cuts, shafts, and tunnels on the claim.

**Copies of Mineral Surveyor's Notes for Use in Making Examination.**

When a mineral claim is to be examined, the supervisor will send the forest officer, who is to make the examination, a copy of the memorandum, or may when necessary secure from the local land office a copy of that part of the mineral surveyor's field notes relating to development work and improvements. If they are not available, the district forester may secure a copy from the surveyor general's office.



#### **Examination of Mineral Claims by Mineral Examiners.**

When the district forester has determined from the facts presented in the preliminary report on a mineral claim that the conclusions (a) and (b) are not warranted, and an examination by a mineral examiner has been ordered, the claimant will be notified by the supervisor of the date the examination will be made and will be requested to be present or be represented. The report of the mineral examiner will be submitted to the forest supervisor and will be acted upon in accordance with the procedure followed in all other claims reports.

#### **Action Upon Squatters' Claims Where Claimants Settled After the Withdrawal of the Land for National Forest Purposes.**

Occupancy of the land by squatters after its withdrawal for National Forest purposes is trespass, and the supervisor will act in accordance with the procedure prescribed under "Occupancy Trespass" unless the claimant was occupying the land on January 1, 1906, in which case the claimant may apply within a reasonable time for the listing of the land under the act of June 11, 1906 (see p. 81).

#### **Action Upon Squatters' Claims Where Claimants Settled Before the Withdrawal of the Land for National Forest Purposes.**

When the claimant settled on unsurveyed land prior to its withdrawal for National Forest purposes and is apparently complying with the requirements of the homestead law, no action will be taken by forest officers, since the claimant may at his own discretion await an extension of the public-land survey, or may apply for the listing of the land under the act of June 11, 1906, before making entry.

Supervisors will be advised by local land officers of applications to enter land based on settlement made prior to the establishment of a National Forest, as provided in paragraph 1 of the joint regulations of August 5.

The supervisor will then order an examination and report in accordance with the procedure herein prescribed for making reports on claims.

After a squatter's claim has been declared invalid by the Department of the Interior further occupancy of the claim by the claimant is trespass, and the supervisor will, in such case, report the facts to the district forester with recommendations for the institution of trespass proceedings.

#### **α Action on Application for Reduction of Area, Three-Year Homestead Law.**

On receipt from a local land office of an application for reduction of the area of cultivation required under the three-year homestead law, the forest supervisor will cause an examination to be made and report prepared covering the amount of cultivation that has already been done, physical conditions, and full reasons showing whether the application should be allowed or denied. Generally speaking, the expense incidental to putting lands under cultivation is not a good reason for relieving from that requirement. The report should be particular to state facts and not mere conclusions. The report and application should be forwarded to the district forester, who, in turn, will forward them through the Forester's office, with a letter prepared for the signature of the Acting Forester, to the Commissioner of the General Land Office. The letter should contain a recommendation as to whether the application for reduction should be allowed. Forest supervisors must give immediate consideration to applications of this nature. District foresters should note the instructions in 42 L. D., 343.

#### **Supervisor's Annual Report on Claims.**

Supervisors will include in their annual statistical report (Form 446) to the district forester, due on July 15, a statement of the claims work on their Forests for the preceding fiscal year.

#### **Action Upon Receipt of Notification of Extension of Public-land Survey.**

When notification of the extension of the public-land survey over lands within a National Forest is received by reference from the district forester, a record of the extension will be made in the tract book.

### **PROCEDURE IN DISTRICT OFFICE.**

#### **Record of Reports.**

The original of all reports on claims made by forest officers will be submitted to the proper district forester. Each case will be filed in a separate folder under the case designation. An index card will be used for each case, upon which will be entered the case designation and such notations as may be necessary—a white card will be used for agricultural claims and a blue card for mineral claims.

#### **Action Upon Favorable Reports.**

If upon review of the report the district forester is of the opinion that no contest should be initiated he will inform the proper local land office by letter that the Forest Service makes no protest against the patenting of the claim. Two copies of the letter will be sent to the forest supervisor and one to the Forester.

#### **Report by Mineral Examiner.**

When upon a review of the facts presented in a preliminary report on a mineral claim it is determined that the conclusions do not warrant a favorable report, the district forester will order an examination and report by a mineral examiner. No other action will be taken upon the preliminary report, and the report of the mineral examiner, when received, will be acted upon in accordance with the procedure followed in other reports from forest officers.

#### **Action Upon Adverse Reports.**

If the district forester is of the opinion that a contest should be instituted, he will refer the report to the district assistant to the solicitor for examination as to the law and the sufficiency of the evidence. Upon the request of the district assistant to the solicitor the district forester will order such additional investigation or secure such additional evidence as the district assistant to the solicitor may require.

If the district forester is informed by the district assistant to the solicitor that, in his opinion, no contest should be instituted, and if the district forester is still of the opinion that one should be instituted, he will refer all the papers in the case to the Forester.

When a report has been found to be sufficient and is returned by the district assistant to the solicitor with a draft of the charges against the claim, the district forester will prepare a letter to the proper local land office and will plainly and briefly set out therein the grounds upon which a protest is based. Two copies of this letter should be sent the local land office with the original, and two to the proper forest supervisor and one to the Forester.

#### **Case Referred to District Assistant to the Solicitor.**

When a protest has been filed with the proper local land office, the district forester will refer all the papers in the case to the district assistant to the solicitor.

#### **Fixing Date of Hearing in Local Land Office.**

The date for a hearing will be fixed by the local land office after consultation with the district assistant to the solicitor as provided in joint regulations of August 5.

#### **Summary of Witnesses After Hearing Has Been Set.**

After the date for hearing in a case has been set, the district assistant to the solicitor will, when necessary, instruct the supervisor to interview the witnesses and return the summary of witnesses as described under "Procedure on National Forests." The supervisor will thereafter instruct forest officers to secure such additional evidence and supply such additional information as may be required by the district assistant to the solicitor.

#### **District Assistant to the Solicitor Will Represent Service at Hearings.**

In all hearings affecting lands or claims within a National Forest, the district assistant to the solicitor will be entered of record as appearing on behalf of the Government. In all Government cases before registers and receivers involving lands or claims within a National Forest, the district assistant to the solicitor will be served with notice of all appeals, motions, orders, and decisions required to be noted under the rules in cases of private contests.

#### **Costs Incident to Hearings.**

Costs incident to hearings before registers and receivers in Government cases involving lands or claims within a National Forest will be paid under rules now in force.

#### **Closing Claims Cases.**

When the report is favorable to the patenting of the claim, the case will be closed when the report is forwarded to the proper local land office.

When the report is adverse to the patenting of the claim, the case will be closed when notice is received from the Commissioner that the case is closed on the records of the General Land Office. This notification will be received through the district assistant to the solicitor, with the return from him of all papers in the case. The copy of the Commissioner's notice and the decision will be filed with the papers in the case and the supervisor will be notified by letter or by a copy of the decision.



#### **Action Upon Request from Commissioner for Information or for Special Reports.**

Replies to letters from the Commissioner of the General Land Office received by reference from the Forester requesting information relating to claims will be by letter to that official prepared in the office of the district forester for the Forester's signature.

When it is necessary to secure the information from the supervisor, or when a special report is requested, the letter of request will be referred by stamped indorsement to the supervisor for investigation and report. Before referring the letter a memorandum will be made, showing the title, file number, initials, and date of the letter of request, the number and kind of entry, and the name of the claimant or of the mineral claim. This memorandum will be filed in the district office and will constitute the record until the supervisor's report is received. Follow-up cards (Forms 326 and 327) will be made, and the post card (Form 326) will be sent with the letter of request to the supervisor. No mere acknowledgment of the receipt of such requests will be made.

If the district forester is of opinion or is informed by the supervisor that the report can not be submitted within the time specified in the letter of the Commissioner, he will prepare a letter to the Commissioner for the Forester's signature stating the reason for the delay and giving the date when the report will be submitted. Two carbon copies of the letter will be sent to the supervisor, one for his files and one for the information of the forest officer who will make the report.

When the report is received from the supervisor, it will be acted upon as herein provided.

#### **Action Upon Requests from the Solicitor for Information or for Special Reports.**

When the request is from the Solicitor and is received through the Forester, the same procedure will be followed as upon requests from the Commissioner of the General Land Office, except that the letter giving the information or transmitting the report will be addressed to the Solicitor and will be prepared by the district forester for the signature of the Forester. When the request is from the Solicitor and is received through the district assistant to the solicitor, the information will be furnished to the assistant to the solicitor for transmission to the Solicitor.

#### **Action Upon a Claims Report Received with a Trespass Report.**

When a claims report is received with a trespass report, a memorandum will be made showing the action, if any, upon the claims report. If it be decided that the claim should not be protested, the trespass report with the claims report and the memorandum will be referred to the district assistant to the solicitor, and no further action will be taken regarding the claim. If it be decided that the claim should be protested, the report on the claim will be detached from the trespass report. The trespass report, accompanied by a copy of the claims report and the memorandum of action taken, will then be referred to the district assistant to the solicitor. Action upon the report on the claim will then be taken in accordance with the claims procedure.

#### **Action Upon Receipt of Notification of Extension of Public-land Survey.**

Notification of the extension of the public-land survey over lands within a National Forest will be received by reference from the Forester, and after a record of the extension has been made in the district office the notification will be sent to the supervisor concerned.

#### **Correspondence with Other Bureaus.**

By authority of the Secretary of Agriculture the Forester may correspond directly with chiefs of other bureaus in regard to purely routine matters that are not legal in character. Such correspondence, if prepared by the district forester, will be for the signature of the Forester.

#### **Request to Local Land Office and General Land Office for Status of Lands.**

Whenever status of lands is required it will be obtained, if possible, from the local land office. When necessary to secure status from the public land records in Washington the district forester will use Form 31, changing the words "Register and Receiver" to "Forester." No letter will be used in making such requests to the Forester, but any explanation may be made, if neces-

sary, by an accompanying memorandum. The request will be returned with the status report (Form 301).

#### **District Forester's Annual Report.**

Annually on August 1 district foresters will submit to the Forester on standard atlas pages a report on claims. The report will be in the form prescribed in advance by the Forester.

### **PROCEDURE IN WASHINGTON OFFICE.**

#### **Action Upon Request from the Commissioner of the General Land Office for Information or Special Reports.**

No mere acknowledgment will be made of a letter of request from the Commissioner of the General Land Office for information or for a special report on a claim, but the letter of request will, when necessary, be referred by stamped indorsement to the proper district forester. Before forwarding the request a memorandum will be made and filed showing the title, file number, initials, and date of the letter of request, the number and kind of entry, and the name of the claimant or of the mineral claim.

#### **Action Upon Request from the Solicitor for Information or Special Report.**

No mere acknowledgment will be made of a request from the Solicitor for information or for a special report in regard to a litigated claims case, but the request and any accompanying papers will, when necessary, be referred by stamped indorsement to the proper district forester, except when the circumstances may require a letter of instructions. Before forwarding the request a memorandum will be made showing: The date and subject of the Solicitor's request and the date it was referred to the district forester, the number and kind of entry, and the name of the claimant or of the mineral claim. If the Solicitor's request is accompanied by a copy of a letter from the Commissioner of the General Land Office, the memorandum will also show the file number, initials, and date of the Commissioner's letter. These memoranda will be used as promise cards, and when the reply to the Solicitor, prepared by the district forester for the signature of the Forester, is received the memorandum relating to it will be filed with the carbon copy of the reply.

#### **Appeals by Solicitor from Decisions of the Commissioner of the General Land Office.**

The regulations of the Department of the Interior provide that notice of every decision of the Commissioner of the General Land Office be given to the Solicitor of the Department of Agriculture, who may appeal from any such decision, and who may take other like action in the same manner as a private contestant; but the Department of Agriculture is not required to take formal appeals from the decisions of the registers and receivers.

#### **Final Decision on Recommendation to Institute a Contest.**

When a case is submitted to the Forester by the district forester after a disagreement between the district forester and the district assistant to the solicitor as to whether a contest should be instituted the Forester will consult the Solicitor, and, if necessary, the case will be submitted to the Secretary of Agriculture for his decision.

When a final decision is rendered, the Forester will return all the papers in the case to the district forester, with notice of the decision and appropriate instructions.

#### **Action Upon Receipt of Notification of Extension of Public-land Survey.**

Notification from the Commissioner of the General Land Office that he has approved the plat and field notes of the surveyor general of an extension of the public-land survey over lands within a National Forest will be forwarded by stamped indorsement to the district forester concerned.

#### **Action on Request of District Forester for Status of Lands.**

When request on Form 31 for report on status from the public-land records in Washington is received from the district forester the request will be returned with the report (Form 301) without a letter of transmittal, but if any explanation is necessary it will be by memorandum referred by rubber-stamp indorsement.



## SETTLEMENT.

### REGULATIONS.

REG. L-50. Under authority conferred by law the Secretary of Agriculture will examine and ascertain the location and extent of lands within permanent or temporary National Forests which are chiefly valuable for agriculture, and which, in his opinion, can be occupied for agricultural purposes without injury to the National Forests and which are not needed for public purposes, to the end that they may be listed with the Secretary of the Interior for opening to settlement and entry under the homestead laws applicable in the National Forests. Such lands may be listed either independently or on application.

#### Applications for Listing.

<sup>a</sup> REG. L-51. Applications under the act of June 11, 1906, must be in writing, must be dated, must give the address of the applicant, and must be signed and certified to by him in the presence of a forest supervisor, acting supervisor, ranger, or assistant ranger, who may when it appears necessary require the applicant to furnish a signed description of the character and location of the land. The application will be returned unless the certificate shows that the applicant has been upon the land applied for and is familiar with its character. Exceptions may be made to this rule when the land applied for has already been examined and classified as agricultural or when it is shown to the satisfaction of the district forester that certification before a forest officer would result in unnecessary hardship or expense. If the tract applied for is covered by a public-land survey, it must be described by reference to subdivisions, section, township, and range within which it is located. If the tract is not covered by a public-land survey, it must be described by reference to natural objects, streams, or improvements with sufficient accuracy to identify it. Applications must be filed with the district forester of the district in which the tract applied for is situated, excepting that applications for land in the National Forests of Alaska should be filed with the forest supervisor at Ketchikan, Alaska. An application which is not in the form prescribed above will be returned to the applicant for completion. Priority of application will be determined by the order in which complete applications are filed with the proper officer in the form prescribed herein.

REG. L-52. The Secretary of Agriculture will not pass upon the qualifications under the homestead laws of applicants for the examination and listing of lands under the act of June 11, 1906, but reserves the right to refuse to examine and list for applicants who are clearly not qualified to make entry under the homestead law.

<sup>b</sup> Only one application for a tract of land will be recorded. If the applicant subsequently withdraws his application the land will nevertheless be examined, and if found listable will be opened to entry without naming a preferred applicant. No applications will be accepted for lands included in a classification project after work on the project has begun, but all lands in the project will be examined and all listable areas will be recommended for restoration to entry at the earliest practicable date.

REG. L-53. The rejection by the district forester of an application under the act of June 11, 1906, in the first instance or after a review of the case by him, shall be final unless the applicant shall, within 30 days after receipt of the district forester's decision (in which will be stated the grounds for such rejection), file with the district forester a petition for review of such decision by the Forester.

<sup>a</sup> Regulation amended; effective Jan. 1, 1916. (77-L)      <sup>b</sup> Paragraph added; effective Jan. 1, 1917.

Every petition for review shall state definitely in writing the grounds in the record upon which it is based and may be accompanied by such argument as the petitioner desires to submit. If the Forester affirms the action of the district forester, the records and papers in the case will be sent to the Secretary of Agriculture for his action, whose action will become final and the case closed.

If any purported appeal or petition for review is received by the Forester or the Secretary which recites or alleges new matter not in the record when before the district forester and apparently sufficient to affect the judgment in the case, it will be forwarded to the district forester for his consideration. If upon the reconsideration of the case in the light of the new matter the district forester changes his action and decides to list a portion of the land, the case will take its regular course; but if the district forester's conclusion is still to refuse listing, the records and papers in the case will be returned to the Forester for consideration of the appeal or petition.

<sup>a</sup> In the interest of equal opportunity, and to prevent favoritism or the possible misuse by forest officers of official information regarding newly established evidence, changes in policy, or newly discovered errors in survey, no application for land which has been classified and segregated as nonlistable will be recorded or given a preference right except as hereinafter provided. Where evidence is presented by anyone, sufficient to raise a reasonable doubt of the correctness of such classification, a re-examination will be ordered, and if the land is found to be chiefly valuable for agriculture and not needed for public purposes it will be listed for homestead entry without a preferred applicant being named, unless, in the opinion of the Secretary of Agriculture, the naming of a preferred applicant is necessary to protect substantial equities. In the absence of such substantial equities appeals for personal preference will not be considered.

REG. L-54. All applications by Indians for allotments of lands within the National Forests, under section 31 of the act of June 25, 1910 (36 Stat., 853), which are submitted to the Secretary of Agriculture in order that he may determine whether the land applied for is more valuable for agriculture or grazing than for the timber found thereon, must be made in the form prescribed by the regulations of the Secretary of the Interior governing Indian allotments on National Forests.

REG. L-55. Either of the following acts or conditions will constitute abandonment of an application:

1. Failure of the applicant to answer within 60 days written inquiry from the examiner, supervisor, or district office, addressed to the applicant's last address of record, answer to which is necessary to a proper disposal of the case.

2. Failure of the applicant to request reconsideration or to appeal within 30 days or within such longer time as may be specified by the district forester in his letter to the applicant, at his last known address of record, proffering to list a part of the land applied for, with explanation as to why the remainder of the area can not be listed.

3. Entry by the applicant under some law requiring residence on land not contiguous to that applied for.

REG. L-56. An application for land embraced in a subsisting unperfected entry will be returned to the applicant without recording unless it sets forth the fact that the applicant has initiated a contest against the entry and who, but for the fact of the land being within a National Forest, would succeed to the rights granted by section 2 of the act of May 14, 1880 (21 Stat., 140), as amended by the act of July 26, 1892 (27 Stat., 270), in which case a notation will be made upon the record of the receipt of such application and of the pending contest. The application will then be returned to the applicant with the statement that if the contest results in cancellation of the entry the application may be reinstated as of the date of final conclusion of the contest if filed within 30 days succeeding the period in which the contestee has right of appeal. Such application will, however, confer no right upon the applicant unless the land is finally listed or eliminated from the Forest.

REG. L-57. In the event of the death of an applicant not a settler under the act of June 11, 1896 (34 Stat., 233)—

1. If the land has not been examined, the application will lapse and the case will be closed.

2. If the land has been examined and found listable, it will be listed without naming any person in the listing letter, unless the deceased applicant under a special-use permit had in good faith made substantial improvements on the land, in which case the widow, if there be one, and, if not, such qualified member of his family as may be designated by all the heirs at law of the deceased applicant, may be named in the listing letter as the one to whom the land is listed.



## GENERAL INSTRUCTIONS.

### Purposes of the National Forest Homestead Act.

The act of June 11, 1906 (34 Stat., 233), known as the National Forest homestead act, provides for the acquisition by qualified entrymen of agricultural lands within National Forests not needed for public use. This act is in effect an extension of the general provisions of the homestead laws to agricultural lands within National Forests with the essential difference that the land must be classified by the Secretary of Agriculture as chiefly valuable for agriculture, and that no commutation is allowed.

Except in unusual cases, the land is listed in the name of the first bona fide applicant. For this reason and for the further reason that the examination of individual tracts based upon haphazard applications is expensive, unsatisfactory, and often seriously interferes with the land-classification work authorized by Congress, it is necessary that care be taken in preparation of all applications in order that they may be complete, understandable, and known to be bona fide. This result is secured by having the applications certified to in the presence of a forest officer. In addition this is a further safeguard against misunderstandings and protects the land seekers against unscrupulous locators. Only upon a clear showing of hardship will this requirement be waived.

### Areas Excepted from the Act.

<sup>a</sup> The act of June 11, 1906, does not apply to National Forest lands in Santa Barbara and San Luis Obispo Counties in California.

### Opening Agricultural Lands to Entry.

Agricultural lands when listed by the Secretary of Agriculture are opened by the Secretary of the Interior to homestead entry, in tracts not exceeding 160 acres in area and not exceeding one mile in length, at the expiration of 60 days from the filing of the list in the local land office. Notice of the filing of the list is sent to the person upon whose application the tract was listed, is posted in the local land office, and is published for a period of not less than four weeks in a local newspaper.

### Preference Rights of Settlement and Entry.

It is provided that the person upon whose application land is listed, if a qualified entryman, shall have a preference right of entry, unless there was a bona fide settler on the land prior to January 1, 1906, who has not abandoned the same, in which event the settler, if a qualified entryman, shall have the preference right. To exercise this preference right, application to enter must be filed in the local land office or other designated place within 60 days after the filing of the list in the land office.

### Survey and Notices on Unsurveyed Land Before Patent.

<sup>a</sup> The law as modified by the act of June 6, 1912, known as the 3-year homestead act, now provides that any entryman desiring to obtain patent to any lands described by metes and bounds, entered by him under the provisions of this act, shall, within three years of the date of making entry, file with the required proof of residence and cultivation a plat and field notes of the lands entered, made under the direction of the United States Surveyor General, showing the boundaries of such lands, which shall be marked by monuments on the ground, and by posting a copy of such plat, together with a notice of the time and place of offering proof, in a conspicuous place, on the land embraced in such plat during the period prescribed by the law for the publication of his notice of intention to offer proof; and that a copy of such plat and field notes shall be posted in the local land office for a like period.

<sup>a</sup> Paragraph modified; effective Sept. 8, 1917. (79-L)

Authority is now vested in the Secretary of Agriculture to incur expense for the final entry survey of lands described by metes and bounds and cause such surveys to be made by forest officers under instructions issued by the surveyor general of the State wherein the land is situated. Such surveys and the plats thereof will be made without expense to the entryman.

The entry survey, when practicable, may also serve the purpose of a listing survey and an extra survey may thereby be avoided.

#### **Residence on Land Covered by Entries.**

While the patenting of lands under the commutation provisions of the homestead laws is prohibited on entries made under the act of June 11, 1906, entrymen shall, upon final proof, have credit for the period of their actual residence upon the land covered by their entries.

#### **Additional Homestead Rights Given to Actual Settlers Prior to January 1, 1906.**

The act also gives an additional homestead right of entry upon lands which have been listed as chiefly valuable for agriculture, to settlers upon such lands on January 1, 1906, who have already exercised or lost their homestead rights, but who are otherwise competent to enter under the homestead laws. Such entrymen must comply with the provisions of the homestead law and must in addition pay \$2.50 per acre for the lands entered.

#### **Settlement Before Opening is Trespass.**

This act does not authorize any settlements within National Forests, except upon lands which have been opened to settlement under its provisions.

#### **Policy.**

Lands within National Forests will be put to their highest use. Those which are more valuable for agriculture than for forest purposes or for public use, will be opened for settlement and agricultural development. The acquisition of timberlands or other natural resources for speculative purposes must be guarded against, but the Secretary of Agriculture does not undertake to ascertain whether lands are mineral in character which are described and listed by him as chiefly valuable for agriculture. Any contests between mineral claimants and applicants for entry involving lands which have been listed under this act will be decided by the Secretary of the Interior.

#### **Legal Qualifications of Applicant as Entryman.**

The legal qualifications of an applicant as an entryman on lands listed under this act will ordinarily not be considered by the Secretary of Agriculture. Such qualifications will be determined in the Land Office, when application for entry is made after the land is opened to entry.

#### **Small Areas.**

<sup>a</sup>If a part only of the land applied for is found listable and such area is not less than required for a practicable farm unit, the area will be listed, unless there is reason to believe it may not be filed upon, in which event the area will not be listed except upon the expressed desire and request of an applicant. The applicant will be advised of the rejection of his application in so far as it embraced lands found to be not chiefly valuable for agriculture, when informed of the possibility of listing the agricultural portion of the area. If the area of the land found to be chiefly valuable for agriculture is less than the minimum area established for that locality the application as a whole will be rejected.

#### **Areas Needed for Public Use will not be Listed.**

Land which will be required to insure the use, administration, and protection of the Forests, or that has a higher value for power or irrigation than for agriculture will not be listed; but every effort will be made to effect an equitable adjustment of any conflict between the interests of the public and those of an applicant. Tracts applied for on a watershed used or needed for municipal water storage and supply will not be listed if settlement upon the area will injure the watershed or contaminate the water.

<sup>a</sup>Paragraph modified; effective Sept. 8, 1917. (80-L)



When an area applied for includes agricultural land, which may be needed in the future for the removal of timber or for the use or administration of the Forests, it will be specifically excluded from the area listed.

Section 2477 of the Revised Statutes of the United States provides that: "The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted." Hence, if a highway is constructed under this statute before the withdrawal of the land for a National Forest, a subsequent patentee takes the land subject to the right of the public to use the highway, the easement not being destroyed until there is a total abandonment on the part of the public, and it is not necessary to specifically mention the highway in the list. If the highway was constructed after the land was withdrawn from entry for a National Forest, no easement would be obtained, and it is necessary to exclude the highway from the area listed. When the land applied for entirely surrounds a spring or watering place that is necessary in the administration of the Forest or for use by permittees of the department, or by the public, so much of the land applied for will be excluded as is necessary to secure such uses. A tract which has been withdrawn or selected and posted for a ranger station or other administrative use will not be listed.

#### **Lands Within Reclamation Withdrawals.**

Lands within a National Forest which are covered by a first-form withdrawal for reclamation purposes will not be listed, and applications therefor will be returned without recording with a statement of the reason. Lands which are embraced within a second-form withdrawal under the reclamation act will not be listed except with the approval of the Reclamation Service.

#### **Application for Land Within the Primary Limits of an Unsurveyed Railroad Grant.**

Since the Secretary of the Interior has ruled that unsurveyed land, which upon survey will probably fall within a granted section, located within the primary limits of a railroad grant is not subject to entry under the act of June 11, 1906, such unsurveyed lands will not be listed, and applications therefor will be returned to applicants without recording.

#### **Application for Land Within State School Land Grants.**

Whether land within school sections in a National Forest may be listed depends upon the provisions of the enabling act admitting the State to the Union. When applications are received for lands within school sections, unless indemnity has been taken, they will be referred to the assistant to the solicitor for an opinion as to whether they are subject to disposal under the act of June 11, 1906. Where any State requests that certain school lands be not listed such requests will be complied with, and no applications for such sections will be accepted.

#### **Application for Listing Land Within an Abandoned Military Reservation.**

Land within an abandoned military reservation included within a National Forest will be listed upon application as in other cases of lands within the Forest, unless the proclamation prohibits such action in contemplation of the military reservation being resumed at some future date. The Secretary of the Interior has ruled (January 2, 1914) that as to lands within such reservations they are relieved from the conditions as to appraisement and disposition laid down in the act of July 5, 1884 (23 Stat., 103), and may be listed, entered, and patented under the homestead laws and the act of June 11, 1906, without appraisement and without payment of any appraised price heretofore fixed.

#### **Squatter's Right to Apply for Land.**

Squatters who settled upon unsurveyed land before its withdrawal for a National Forest, and who have complied with the general homestead law, have the same right to occupy and use their holdings as homestead entrymen, and may, at their option, await survey or apply for the examination of their lands under the act of June 11, 1906. Squatters may, under the general homestead law, include in their claims 160 acres after the land is surveyed. Therefore if the land is occupied for agricultural purposes by squatters who settled upon it prior to its withdrawal, the examination will be made with a view to listing the entire tract settled upon, if not exceeding 160 acres, provided the whole tract as a farm unit is chiefly valuable for agriculture.

#### **Application for Listing Land Covered by a Claim.**

Land within a National Forest covered by a subsisting claim under any of the public-land laws will not be listed, except in the case of mineral locations on which development is not being prosecuted in good faith.

An application for land embraced in a subsisting unperfected entry will be returned to the applicant without recording, unless it sets forth the fact that the applicant has initiated a contest against the entry. (See Reg. L-56.) Applications received for lands which have passed to patent will be returned.

#### **Review or Reexamination.**

In determining whether land applied for under the act of June 11, 1906, is chiefly valuable for agriculture, it is entirely a question of fact and raises no other question which can be made the basis for an appeal. When an applicant believes that a rejection of his application by the district forester is not justified by the facts, he may file with the district forester within 30 days after notice to him of the decision and the grounds therefor a petition for a review of the facts, and, if necessary, for a reexamination of the land applied for, or he may within the time limit file an appeal from the decision of the district forester to the Forester. If the district forester on a review adheres to his former decision, the applicant may file with the district forester within 30 days after notice of such action a petition to the Forester for a review of the decision on the facts, or for a reexamination of the land applied for on a sufficient showing. If the Forester affirms the decision of the district forester, a copy of his decision and the record in the case will be at once sent to the Secretary of Agriculture for review, whose decision will be final and will not be disturbed except upon a showing of new facts which might have changed the decision in the case, but facts will not be considered which the applicant was able to present on the original rejection. All applications for review must state definitely, in writing, the grounds in the record upon which it is based; otherwise the request will not be considered, and the petitioner so informed.

#### **Filing on Tracts Listed and Opened to Entry Under the Act of June 11, 1906.**

Persons having preference rights under the act of June 11, 1906, may file their applications to enter at any time within 60 days prior to the advertised date of restoration to entry in the local land office. If, when the land is open to entry, the applicant having a preference right has failed to file his entry, it will be subject to entry by the first qualified person to make application. Except as expressly limited in the act, title to the land may then be acquired under the same conditions as are prescribed by the general homestead laws for public land outside the National Forests.

#### **Indian Allotments on National Forests.**

The act of June 25, 1910 (36 Stat., 863), provides that allotments of not exceeding 80 acres of agricultural land or 160 acres of grazing land within the National Forests may be made by the Secretary of the Interior to any Indian occupying, living, or having improvements on such land, who is not entitled to an allotment in any existing Indian reservation, or for whose tribe no reservation has been provided, or whose reservation was not sufficient to afford an allotment to each member thereof, when the Secretary of Agriculture has determined that such lands are more valuable for agricultural or grazing purposes than for the timber found thereon. The procedure governing the making of such applications and allotments is given under "Settlement—Procedure on National Forests."

### **PROCEDURE ON NATIONAL FORESTS.**

#### **Applications to be Forwarded to the District Forester.**

Applications under the Forest homestead act should be addressed to and filed with the district forester, and, when received by other officers, will be immediately referred to the district forester. Forest supervisors and district rangers should keep on hand a supply of application blanks, Form 253, which will be furnished to prospective applicants upon request. Applications for land in the National Forests of Alaska should be filed with the forest supervisor at Ketchikan, Alaska.<sup>a</sup>

<sup>a</sup> Sentence added; effective Jan. 1, 1916.



The following legend will be used in making written status reports on Form 301 and in posting status records on Form 123a:

*Letter Symbol Status Legend.*

AS	Administrative site.	MW	Military bounty land warrant.
CE	Cash entry, including scrip location.	PG	Private land grant.
CW	Withdrawal for coal classification.	PS	Power site withdrawal.
CC	Classified coal.	RG	Railroad grant lands, unselected.
CD	Coal declaratory statement.	RR	Railroad selection list pending.
CL	Coal entry.	RP	Railroad selection approved or patented.
CF	Coal final certificate.	RS	Reservoir site withdrawal.
CP	Coal patent.	RW	Reclamation Service withdrawal.
DC	Donation claim.	RC	Reconveyance pending.
DE	Desert entry, original.	RA	Reconveyed, selected land patented.
DF	Desert entry, final certificate.	S	State land (school).
DP	Desert entry patented.	SS	State selection pending.
HA	Homestead application (General Land Office).	SA	State selection approved or certified.
HE	Homestead entry, original.	SB	School section used as base of pending indemnity.
HF	Homestead, final certificate.	SP	School section used as base of approved indemnity.
HC	Homestead entry, commuted.	SH	Small holding claim.
HP	Homestead entry patented.	TA	Timber and stone application or sworn statement.
HCP	Homestead entry, commuted patented.	TS	Timber and stone entry pending.
IA	Indian allotment pending.	TP	Timber and stone patent.
IP	Indian allotment approved or patented.	TE	Town-site entry.
LS	Forest lieu selection pending.	TC	Timber culture entry pending.
LA	Forest lieu selection approved.	TF	Timber culture entry, final certificate.
LP	Forest lieu selection patented.	TCP	Timber culture entry, patented.
MC	Mineral classification approved.	RE	Restored to entry under act June 11, 1906, but not entered.
ML	Mineral location.		
MS	Mineral survey.		
MA	Mineral application.		
ME	Mineral entry.		
MP	Mineral entry patented.		





**Action on Application Received by Reference from the District Forester.**

Upon receipt by the supervisor of carbon copies in duplicate of the letter of acceptance to the applicant, a folder will be prepared in the name of the applicant and filed alphabetically.

**Preparation of Tract Book.**

The tract book shall consist of township plats (Form 123), one for each township in the Forest, index sheets (Form 124), and wing binders.

Townships are recorded first in the order of the towns, north and south, and then in the order of their ranges, east and west, thus:

T. 1 N., R. 1 E., R. 2 E., R. 1 W., R. 2 W.

T. 2 N., R. 1 E., R. 2 E., R. 1 W., R. 2 W.

T. 1 S., R. 1 E., R. 2 E., R. 1 W., R. 2 W.

T. 2 S., R. 1 E., R. 2 E., R. 1 W., R. 2 W.

When an application is received by reference from the district forester, the necessary entries will be made on the tract-book index sheet (Form 124). The number of the application will be entered on the township plat (Form 123) in ink in each 40 applied for in the proper township and section. When the application is for unsurveyed land, the approximate location of the land applied for will be indicated in pencil on the township plat (Form 123) by a circle containing the number of the application. When the location is ascertained by subsequent survey it will be drawn to scale with crayon in its true position and the pencil notation erased.

**Entry of Status on Tract Book.**

The following legend will be used to indicate on the township plats (Form 123) the status of particular tracts as shown by the records of the Forest Service or General Land Office:

Patented or F. C.	_____	a dark green	V or ■
Patented or F. C. (act of June 11, 1906)	_____	a light green	V or ■
Restored to entry under act of June 11, 1906, but no entry of record	_____	a light green	□
H. E. pending	_____	a dark green	H
H. E. pending (act of June 11, 1906)	_____	a light green	H
Desert entry, pending	_____	a dark green	D
Timber and stone entry, pending	_____	a dark green	T
Indian allotment, approved	_____	a dark green	A
Indian allotment pending	_____	a dark green	A?
Lieu selection, pending (selected land)	_____	a dark green	L
State selection, approved	_____	a blue	V or ■
State selection, pending	_____	a blue	?
State (school)	_____	a blue	S
School section (unsurveyed)	_____	a blue	S? <sup>1</sup>
School indemnity, pending (base land)	_____	a blue	I
Railroad selection, approved	_____	a yellow	V or ■
Railroad selection, pending	_____	a yellow	R
Railroad, primary limits (not selected)	_____	a yellow	O
Mineral patented	_____	an orange	V or ■
Mineral, unpatented	_____	an orange	□
Mineral (indefinite)	_____	orange	:::
Mineral classification	_____	an orange	M
Nonmineral classification	_____	an orange	NM
Coal, patented	_____	a brown	V or ■
Coal, unpatented	_____	a brown	□
Coal, classified	_____	a brown	C
Town site	_____	a dark pink	□
Reconveyance, pending (act of June 4, 1897)	_____	a red	C
Vacant land	_____	a red	V or ■
Present National Forest boundary	_____	a single blue	—
Proposed National Forest boundary	_____	a single red	—
Administrative site	_____	a dark pink	□

<sup>1</sup>This symbol should not be used to designate unsurveyed school sections within National Forests, as such land is vacant and should be marked with a red V or solid red square. However, on account of the laws relating to school sections in District 3 being different from those in the other districts, the symbol, a blue S, will be used to indicate school sections to which the title of the State has not attached, and the symbol blue ST to indicate school sections to which the title of the State has attached.

Withdrawals of all forms affecting National Forest lands are outlined in yellow, and the kind of withdrawal and date are noted on the margin of the plat.

The tract book will be kept up to date at all times in order that the supervisor's record may be identical with the record in the district office.

#### **Instructions to Examiner and Reference of Application for Report.**

When the application has been properly recorded in the tract book, one copy of the district forester's letter of acceptance of application, together with the township plat (Form 974), will be forwarded to the examiner. This letter ordinarily will be the examiner's instructions to make the examination and report, but may be accompanied by a special letter of instructions. If an application covers any lotted tract it will be checked with the official township plat and the examiner will be furnished a sketch of lotted tracts involved. A metes-and-bounds survey is not necessarily required if a portion of an irregular lotted tract is recommended. Detailed procedure may be found in the Technical Manual. Great care should be taken by the supervisor in handling these examinations, and the examiners should be personally instructed whenever possible. Owing to the prime importance of this work to the danger of inconsistent action, and to the difficulty of conveying by report a clear idea of the listability of lands in doubtful cases, it is advisable that only the more experienced and efficient forest officers be assigned to this work. Supervisors will give as much personal attention to the work as possible, so that reexaminations will not be necessary, because reports fail to represent the true conditions of the lands applied for.

Unless prevented by dangerous fire conditions in summer or adverse climatic conditions in winter, all reports are due at the district office within 60 days of the date they are referred for examination. The examiners must be supplied with all necessary surveying instruments, maps, blanks, drawing instruments, inks, and colored crayons in order that they may be fully equipped for the work.

#### **Action by Examiner in Preparation of Report.**

Upon receipt of instructions to submit a report, the examiner, if a district ranger, will prepare a folder for the case and place it in his files. Reports in triplicate will be made in accordance with the outline on Form 110. Since the final action on an application depends on the nature of the examiner's report, it must be clear in every particular. When an application covers surveyed land, the examiner will be certain that the proper public survey corners are located before commencing the examination. In reporting upon the amount and value of timber on the land the examiner must give the estimated average stand per acre and total stand on the entire area applied for. If a part only of the land applied for is found listable the report must give separately the average stand and value of the timber per acre for the listable portion, and also for the non-listable portion; and if there is listable land adjoining the listable area applied for that may be substituted for the nonlistable area, the report should also cover it, and an amended application, if possible, be secured. While the Secretary of Agriculture does not undertake to pass upon the applicant's qualifications to make entry upon the land listed, the examiner should submit any information he may have regarding occupancy or settlement on the area applied for, and the information will be transmitted to the Secretary of the Interior when the land is listed.

The act of June 11, 1906, with regard to the length of Forest homesteads has been construed by the Secretary of the Interior as follows: "Any tract not exceeding 160 acres in area which may be contained in a square mile, the sides of which extend in cardinal directions, is understood to be within the meaning of the law." The examiner should not recommend for listing to one applicant any tract which exceeds the prescribed length or area."

The accompanying illustrations of tracts which might properly be recommended for listing make it possible in many cases to allow an applicant a much greater amount of strictly agricultural land lying along creeks and narrow valleys than would be possible under any other interpretation of the term "one mile in length." These illustrations represent sections or approximate sections.

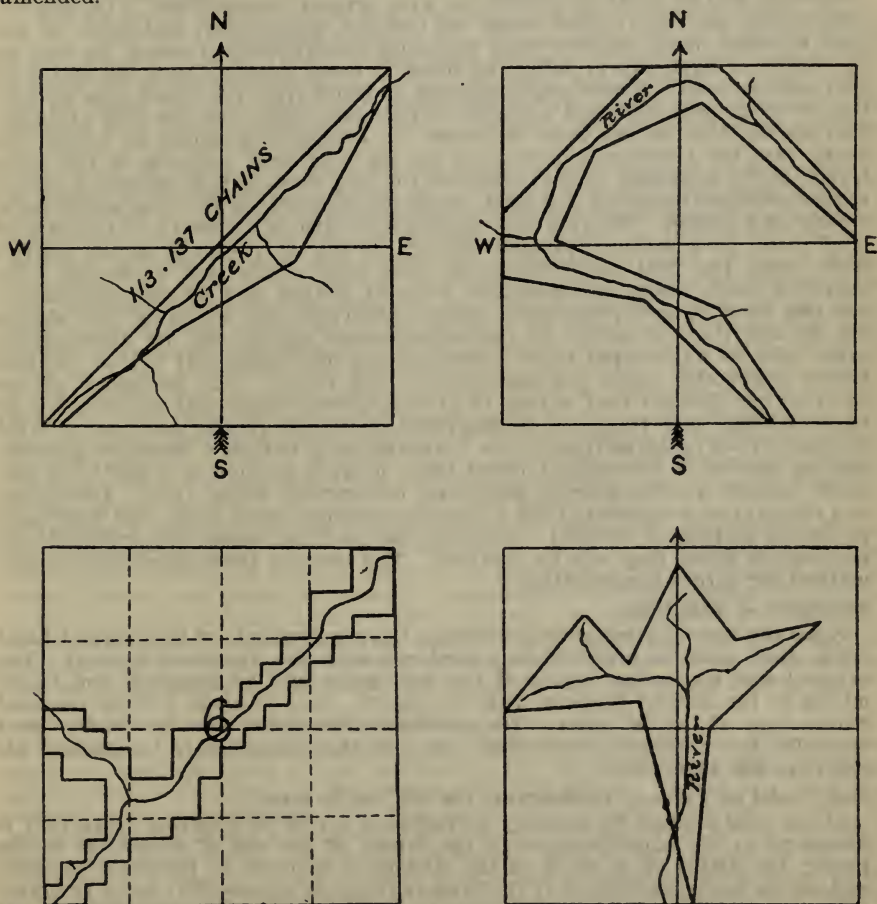
#### **Examiner to Consult Applicant.**

Whenever possible it is desirable to have the applicant accompany the examiner during the survey and examination. Since final action can be taken only by the Secretary of Agriculture, the examiner will not give the applicant an opinion as to the final classification. There is no objection to examiners explaining fully the instructions for agricultural land classification and to securing all



the information possible from applicants which may aid in the determination of the character of the lands. It is even desirable that examiners indicate to applicants the sort of land which may be classed as listable and the sort of land which can not be included with listable areas, but the impression must be avoided that the examiners make the final determination.

When the application covers unsurveyed land and the description is somewhat indefinite it is particularly desirable to have the applicant present when the survey and examination is made, in order that the examiner may be certain that he is examining the land for which the applicant intended to apply. When the applicant is present at the time of examination and learns, upon the survey being made, that he has not described in his application the land for which he intended to apply he should make an amended application, which must be addressed to and filed with the district forester, and a copy may be at once given to the examiner, who will then, without waiting for further instructions, examine and report upon the lands covered by the amended application. In such cases the copy of the amended application will be submitted with the report and a statement attached to the report showing how and why the application was amended.



**Examiner's Discretion as to Form of Farm Units.**

Where the only apparent available water supply for stock or domestic purposes is from stream or watercourse running through a considerable area of unsurveyed land, such area will be laid off in farm units of approximately 160

acres, each unit having, if possible, not less than 10 chains frontage on such stream or watercourse.

In examining and listing under the act of June 11, 1906, land along narrow valleys, the examiner shall require the applicant to take, and shall survey and list for him, all the available agricultural land to the full width of the gulch and shall not permit the applicant to take a long, narrow strip, leaving unavailable agricultural land along either side of the gulch outside his claim. An exception may be made to this rule where the land so left is of sufficient area to constitute a practical farm unit no greater in length than four times its average width. These instructions are, of course, subject to the usual exceptions where administrative or other rights of way are required for the use of the Forest.

Where two or more persons have applied for parts of such a farm unit, the entire unit will be listed in the name of the prior applicant for the largest portion of the area. An exception may be made to this and the two foregoing rules if necessary to protect equities established by settlement before the creation of the Forest or the construction of substantial improvements.

#### **Instructions for Survey and Maps of Land Applied For.**

Surveys will be made in accordance with present instructions. The map accompanying the report must show the location, topography, and cover of the land reported upon, together with road and improvements thereon, as well as the limits of agricultural soils, and must in every case indicate the status of surrounding land. Where any departure is made from the exact area applied for, or where acreage is not apparent in the application, and the field examination shows it to be less than 160 acres, an explanation should be added. In every case the classification of cover on the land must conform to the Atlas legend and a statement to that effect on the map sheet will be sufficient, except where additional symbols are used, when the significance of those added must appear as a legend. Where a tracing on Form 878a is necessary in the case of land listed by a metes-and-bounds survey, it will be prepared in the district office from the field notes submitted, and blue prints sent supervisor. On surveyed lands where circumstances warrant, listing may be recommended in not less than 2½-acre rectangular tracts; otherwise the minimum unit should not be less than 10 acres. A metes-and-bounds survey will be necessary in every case on unsurveyed lands. Surveys and field notes will not be required where nonlistable lands are described in the report. The Secretary of the Interior has decided that survey of tracts entered under this act will not be required when such tracts can be described as quarter-quarter sections or lotted portions of surveyed sections, or as a quarter or a half of a surveyed quarter-quarter section or rectangular lotted tract, or as a quarter or a half of a surveyed quarter-quarter section or rectangular lotted tract. Permanent and substantial monuments must be erected on unsurveyed lands, and they must be plainly marked or chiseled. Posts may be used, but stones are preferable for monuments when they can be obtained. The bearing trees must also be well marked for future identification.

#### **Preparation of Field Notes.**

Since the survey notes must conform to the requirements of the General Land Office, they must be prepared in accordance with the Technical Manual. The original and six carbon copies of the field notes will be prepared and transmitted to the district forester with the report. Two of these will be returned with a copy of the list letter. The examiner must check over the original field notes for typographical errors and date and sign them before forwarding his report to the supervisor.

#### **Land Needed for Public or Administrative Use Will Not Be Listed.**

If the land applied for entirely surrounds a spring or watering place that is necessary in the administration of the Forest or for use of permittees or the public, the listing of so much of the land as is required to protect such users will not be recommended, or if the land is found to be essential for a reservoir site or is valuable for power purposes its listing will not be recommended. If it is found that the withdrawal from entry of the land applied for is essential for the protection of an important watershed to prevent contamination of a city's water supply, or which may be needed for roads or other public uses, or in connection with the removal of timber from National Forest lands, listing should not be recommended.



#### **Right of Way Exceptions.**

Ordinarily a width of no more than 50 links should be excluded for a road-way, since the right of way is often within the best agricultural land recommended for listing; but when a width in excess of this is necessary a statement of the necessity must be made in the report. When such rights of way are needed, they must be excluded from the tract recommended for listing in accordance with the decision of the Secretary of the Interior. In describing the listable area the following clause must be added to the report: "Except a strip of land 50 links wide, within the exterior boundary lines thereof, which strip is particularly described as follows (describe the place of beginning with bearing points): Extending thence 25 links on each side of a line running (give courses and distances) to the place where the end of the strip closes with the boundary of the tract listed." Where the land has been theretofore surveyed by legal subdivisions, the exception may be in the following words where it appears otherwise expedient (as, for example, where the purpose is to maintain a right of way along the line of survey), "except a strip 50 links wide off the south side thereof" (or on whatever side or along whatever line it is desired to make exception).

The Secretary of the Interior has ruled that the law prohibiting the inclusion in one entry of noncontiguous tracts will not be construed to apply to tracts listed under the act of June 11, 1906, from which a strip has been excluded for a right of way. Recommendations will be made for the exclusion of a strip for all roads, either existing or desired, whether the public has an easement in them or not, where it is believed that failure to do so will be detrimental to the interests of the United States.

It is not necessary to recommend the exclusion of a strip of land covered by a private ditch, telephone line, etc., or a right of way that is already acquired under an act of Congress and the regulations of the Department of the Interior. The entryman on the land does not acquire any interest in that part of the land excluded for the right of way under the procedure outlined above; and the acreage of the right of way should be computed and stated in connection with the recommendation for its exclusion, as well as the total area of the lands within the exterior boundary of the tract to be listed. The latter area may therefore embrace a surplus of land to the extent of the area of the right of way excluded, and examiners should bear this in mind, so that where possible the applicant may be given sufficient land to offset the area excluded. The excluded strip must be shown on the map on Form 87S. The report must state in each case whether the excluded strip is for an existing or established public highway or road or for a proposed road, and if the latter the reasons should be fully stated. These instructions apply whether the area listed is described by metes and bounds or is a legally surveyed subdivision.

Telephone lines constructed across tracts to be listed may be excepted in the same manner as roads, but no exception will be made for a telephone line to be constructed, except in unusual cases. An exception should ordinarily not be made unless it is quite impractical to reconstruct the line outside the claim. Where, however, a reservation becomes necessary a copy of any permit issued for a constructed line across the tract listed should accompany the tracings and field notes to be filed in the General Land Office. The cost of an entry survey necessitated by an exception should be compared with the cost of reconstruction.

#### **Applications in Conflict with Mineral Locations.**

In case the examiner finds that an application conflicts with a mineral location or locations upon which application for mineral patent has not been made, that fact should be fully covered in the report. If the land is being worked and held apparently in good faith as a mineral location, it will be classified as not chiefly valuable for agriculture, and such land will be excluded from areas to be listed. Where land is clearly valuable for agriculture and not apparently of real value for mineral, it will be examined for its mineral value by a qualified mineral examiner. His findings will be considered by the district forester in connection with the report of the Forest homestead examiner. The examiner will not endeavor to pass upon the mineral character of the land, but a statement will be made showing the work done and improvements constructed by the mineral claimant, and all other facts pertinent to the subject. The exist-

ence of mines or mineral locations upon which bona fide development work is in progress in the vicinity of the claim reported upon when within unsurveyed territory must be stated. Consideration of such claims may be limited to those contiguous, near enough to suggest the possibility of a conflict, and to those tied to the same monument as the area being reported upon.

#### **Applications in Conflict with Irrigation Ditches Under Permit.**

When an irrigation ditch constructed or maintained under special-use permit exists upon a tract which will be recommended for listing, the permittee should be advised of his right to obtain an easement of the right of way under the act of March 3, 1891 (26 Stat., 1095), prior to the listing.

#### **Status of Contiguous Lands.**

Every report must state definitely whether or not there are alienated lands contiguous to those being reported upon, and the nature of the alienation, and the character of and use to which such lands are being put. The status of surrounding lands must be indicated upon the map accompanying the report.

#### **Photographs May Accompany Reports.**

In all doubtful cases it is expected that photographs of the area applied for will be submitted with the report.

#### **Determination of Values.**

The examiner's report must be complete in every detail unless a general report for the region has already been made discussing the subjects of typical agricultural crops and climate, when reference to the general report will be sufficient. The entire area applied for must be the subject of the report. When the area applied for and described as listable is less than 160 acres, the examiner should include in his report a description of any contiguous area of land chiefly valuable for agriculture and not needed for public uses, which with the area applied for and described as listable will not exceed 160 acres.

In deciding whether the land applied for should be listed it must be shown that it is not needed for public uses, and that its value is greater for agricultural than for forest purposes.

Every application reported upon must be classified according to the following outline and enough discussion given to support the classification. The capacity of power sites will be determined as carefully as possible without the aid of instruments.

(a) Lands already under water-power permit or application for such permit, regardless of size.

(b) Lands which will be needed for reasonably immediate water-power development, regardless of size.

(c) Lands occupying strategic positions in future water-power developments, particularly dam sites.

(d) Lands the chief value of which will permanently be for water-power development.

(e) Lands having no water-power value.

The investigation of the power site will not necessarily be limited by the area of the land applied for.

Ordinarily a site which is not capable of a commercially feasible power development of 100 horsepower will be reported in class (e). Form 107 need not be filled out for areas placed in this class.

Similar considerations apply in the classification of reservoir sites valuable for purposes of irrigation or public water supply.

It is necessary that the values for forest and agricultural purposes, respectively, be separately appraised and that the basis for such appraisal be clearly shown. To determine its value for forest purposes the report must give the quantity, kind, and value of merchantable timber and of reproduction and the importance of the forest cover for the protection of water supply. The value of the young forest growth below merchantable size and the value of the land itself for the production of timber should be weighed.

To determine its value for agricultural purposes, the report must show the extent to which the land is susceptible of producing cultivated crops, with or without irrigation, and the kind and value of the crops that can be produced. In deciding this the soil, climate, altitude, slope, and water supply must be considered. As far as practicable under local conditions the market value of



improved farm lands in the locality similar in character to the tract applied for, as determined by sales, should be ascertained and reported, together with the cost of putting the land applied for in similar condition. The value of the tract in its present state for agricultural purposes may frequently be appraised by deducting the cost of clearing and other necessary improvements from the current price in the locality of improved farm lands of similar character, where the nature of the clearing requires the use of machinery which necessitates a cash expenditure.

<sup>a</sup> Lands valuable for the purpose of grazing only will not be listed, but where a given area embraces a sufficient acreage of arable land of the required quality to fully meet the minimum farm unit requirements, adjoining land valuable only for grazing purposes may be included to make the full 160 acres allowed under the homestead law, provided it is practicable to include it within reasonable farm boundary lines. It is understood, of course, that the completed unit must meet the requirements of the Act of June 11, 1906, and be chiefly valuable for agriculture, not needed for public purposes, and the listing not injurious to the Forest. Small areas of timbered or nonagricultural land may be included to permit inclusion in one listing of bodies of agricultural land which otherwise would be rendered noncontiguous.

A policy which is liberal to the applicant should be followed in appraising the agricultural value of tracts of arable land without value for forest purposes and which may otherwise be listed under the provisions of the act.

The personal qualifications of the applicant or his ability to make a living or maintain a home upon the land must not be considered by the examiner. His strength or health or his ability or experience in agricultural pursuits will not be considered.

If all or any part of the land is found to be chiefly valuable for agriculture and not needed for public use and may be occupied for agricultural purposes without injury to the National Forest, it will be listed.

#### **Verification of Location and Submission of Report to Supervisor.**

Before submitting the report to the supervisor the examiner must check the written description of the land reported on with the area shown on the map. The examiner will then sign and date the report, affix his title, and submit the report in triplicate to the supervisor.

#### **Action by Supervisor on Examiner's Report.**

When the report is received by the supervisor, if it is found to be incomplete or incorrect, it will be returned to the examiner with appropriate instructions. Before approving the report the supervisor should check it with the tract book to ascertain whether the description of the land reported on coincides with the description of the land applied for, and in cases where unapplied for surveyed land is reported for listing, secure the necessary amended application to cover it. If the land recommended for listing includes lotted tracts, the official township plat should be consulted to see that a proper description has been given. When a metes and bounds survey has been made the field notes should be checked to see whether they are correct and in proper form. Finally, the entire report should be carefully scrutinized that it may be complete and correct in every particular before being submitted to the district forester. When the report is complete and the supervisor concurs in the recommendations of the examiner, he will indorse it "Approved," sign his name, and affix his title and the date of approval. If the supervisor does not agree with or approve all of the examiner's recommendations, his own recommendations, with his reasons for making them, will be made on a separate sheet and attached to the report. He will also indorse at the bottom of the examiner's report a reference to the attached statement and recommendations.

#### **Report Submitted to the District Forester.**

When final action upon the report has been taken by the supervisor the original will be submitted to the district forester, one copy will be placed in the supervisor's files, and one copy sent to the district ranger. When unsurveyed land is reported on the supervisor will forward the original and six carbon copies of the field notes in addition to the original report. Two of these will be returned with copy of the list letter. Before submitting the report the super-

<sup>a</sup> Paragraph modified; effective ~~Nov 10~~ 1915. (89-L)

Oct. 19,

visor will make pencil notation in the tract-book index sheet (Form 124) of the action taken by him in the case.

**Free Special-Use Permits on Lands Recommended for Listing and on Excluded Right of Way.**

Applicants who appear to have the preference right of entry under the act may secure without charge a permit for the agricultural use of that portion of the land which has been examined and which, in the opinion of the district forester, is chiefly valuable for agriculture and not needed for public use, provided that the land is not adversely claimed under settlement made before its withdrawal, or after its withdrawal and before January 1, 1906.

Free permits for the occupancy and use of agricultural lands which are recommended for listing will be issued only under the following conditions:

1. When the applicant wishes to occupy the land which has been examined and favorably reported upon, pending its listing and restoration to entry under the act of June 11, 1906.

2. When the applicant is doubtful of the agricultural possibilities of the land and desires an opportunity to ascertain whether crops can be raised on it before using his homestead right.

3. When a strip of land for a road right of way has been excluded from an area recommended for listing, the applicant upon whose application land has been examined or the entryman on the area listed may be issued a free agricultural permit for the use of the excluded strip, so long as it is not needed for road purposes.

When the permit is issued under conditions 1 or 2, the following paragraph will be incorporated in the permit:

"This permit shall not be construed to give the permittee any preference right of entry under the act of June 11, 1906, and shall terminate when the land is restored to entry; but if it be shown that the permittee has not the preference right of entry the listing of the land will be deferred by the Secretary of Agriculture to protect the growing crops."

When the permit is issued under condition 3, the following paragraph will be incorporated in the permit:

"This permit shall terminate upon notice to the permittee by the forest supervisor that the land is needed for road purposes."

Free special-use permits will be closed when the land is restored to entry.

<sup>a</sup> Special-use permits to occupy and use lands included in boundary projects which may result in elimination of the area applied for from the Forest should not be issued, except for uses purely of a temporary nature.

**Record on Tract Book of Final Action by Secretary or District Forester.**

Copies of all letters and blue prints and field notes showing final action taken on an application by the Secretary of Agriculture, district forester, or Secretary of the Interior will be transmitted to the supervisor in duplicate, one copy for the supervisor's files, and one for the district ranger. Upon receipt of a letter showing that final action has been taken on an application, the notation "Listed," "Rejected," "Abandoned," "Eliminated," or "Withdrawn," as the case may be, will be made in the "Final action" column on the index sheet (Form 124). In the "List No." column enter the number of the list in listed cases. Where rejection has been necessary because the land was chiefly valuable for agriculture, enter a green "X"; where rejection has been necessary because of a conflict with a ranger station, enter the letters "A. S." in red ink; and where rejection has been necessary because the land was chiefly valuable for power purposes enter an "X" with black pencil surrounded by green border crayon No. 69. The date of final action should be entered in the "Date of action" column, the listing date being determined by the Secretary's signature of the listing letter. If all or any part of the tract applied for is recommended for listing, the total number of acres recommended will be entered in the second "Acreage" column and appropriate notation in "M and B or exception" column. The "Date restored to entry" column should be filled in upon receipt of formal notice of restoration to entry. The "Occupancy" section of the form should be used for listed cases to indicate occupied and unoccupied tracts through the use of notations "O" and "U." Occupancy data need not be compiled at stated intervals, but upon specific request for occupancy information from the



district forester. Provision is made for several such reports. In listed cases the exact area will be outlined and hatched in green on the township plat (Form 123) and the list number written in red ink across the tract listed. Land which is not listed should be shown on the township plat by a green "X" on each 40. When an application is rejected, abandoned, eliminated, or withdrawn, a black-ink line will be drawn through the application number on the area shown on township plats.

#### **Closing Settlement Cases.**

The supervisor will close all cases as soon as notice is received from the district forester of the final action taken in the case. Upon receipt of the Interior Department notice that final action has been taken to restore the land to entry, it will be placed in the folder in the closed file. Papers in the folders of closed cases may be transferred when necessary to the folders of new or supplemental applications, leaving an appropriate memorandum in the closed folder.

<sup>a</sup> In every instance a copy of the letter closing the case should be sent to the ranger for his files.

#### **Annual Report.**

Supervisors will include in their statistical report (Form 446) to the district forester, due on July 15, a statement of the settlement work on their Forests for the preceding fiscal year.

#### **<sup>b</sup> Indian Allotment Under Act of June 25, 1910 (36 Stat., 855).**

<sup>c</sup> The act of June 25, 1910 (36 Stat., 855), provides that allotments within National Forests may be made to Indians for lands which they are occupying, living upon, or have improvements on, if certified by the Secretary of Agriculture to be more valuable for agriculture or grazing than for the timber thereon. The maximum area an individual allottee may secure under this law is 40 acres of irrigable agricultural land, or 80 acres of nonirrigable agricultural land, or 160 acres of nonirrigable grazing land. Mineral land is not subject to such selection. Blank application forms may be secured from the Indian Office, any local land office, forest supervisor's, or district forester's office.

<sup>c</sup> An Indian desiring to apply for an allotment within a National Forest occupied or improved by him prior to the Forest withdrawal or prior to June 25, 1910, is required to take oath that he is an Indian of a certain tribe; that he was born in the United States; that he is the head of a family, or a single person over the age of 18 years, as the case may be; that he has not heretofore received an allotment; that he is not entitled to an allotment on a reservation, or that no reservation has been provided for his tribe, or, in lieu of the latter declaration, that there was not sufficient land set aside to afford an allotment to each member thereof. The applicant must show further that he has settled upon or improved the land, as required by the above act, and that it is more valuable for agriculture or grazing purposes than for the timber found thereon. His affidavit must be corroborated, in so far as his intention, character, nativity, and actual bona fide settlement or erection of improvements are concerned, by the affidavits of two or more disinterested witnesses (who may be Indians) or by the affidavit or certificate of some field officer of either the Department of Agriculture or the Department of the Interior. A nonmineral affidavit, executed on the prescribed form, must accompany each application for allotment. The General Land Office requires that such applications be accompanied by a certificate from the Commissioner of the Office of Indian Affairs to the effect that the applicant's tribal relations and other status is such as entitles him to an allotment. Applications must be submitted to the district forester. If it is accompanied by a certificate from the Office of Indian Affairs it will be accepted and the forest supervisor will be directed to make the necessary examination. The certificate may be in the form of a brief letter from the Office of the Commissioner of Indian Affairs, but a letter from the local Indian agent is not sufficient. If the application is not accompanied by the necessary certificate it will be recorded and the applicant will be written and given 90 days within which to furnish it. Carbon copy of the letter to the applicant will be transmitted to the forest supervisor, who will extend hearty cooperation to all applicants believed to be entitled to allotments. A second carbon of the letter will be sent to the proper Indian agent. The forest supervisor may, upon his own initiative, submit the required report to the district forester, which report will be held until the receipt of the completed application and

<sup>a</sup> Paragraph modified; effective Apr. 1, 1916.

<sup>b</sup> Instructions modified; effective Apr. 1, 1916.

(91-L) <sup>c</sup> Paragraph modified; effective Sept. 8, 1917.

certificate. The report should, in general, follow the Form 110 outline, but should specifically give the following information for each 40-acre subdivision:

Area of irrigable agricultural land; area of nonirrigable agricultural land; area of nonirrigable nonagricultural (gazing) land; description, location, and value of improvement; area cultivated.

The report will also cover in detail the matter of occupancy, residence, or improvements on the tract prior to June 25, 1910, and since, as showing compliance with the act of that date, taking into consideration the habits and customs of Indians and making due allowance for a lower standard of home improvements and more intermittent occupancy than is customary among people who have adopted the habits of civilized life. The certificate of the character of the land will be made in the form of a letter to the Secretary of the Interior, signed by the Secretary of Agriculture. This letter will be prepared in the district office and forwarded to the Forester, accompanied by the application, the certificate from the Office of Indian Affairs, the report, and all other records in the case.

<sup>a</sup> If the application is for land which was not occupied or improved by the Indian on June 25, 1910, or prior to the withdrawal for National Forest purposes, if subsequent to that date, it will be treated as though it were an application to settle upon land applied for under the Forest Homestead law. The district forester will have the necessary investigation made, and if the land is not such as can be listed under the Forest Homestead law he will advise the applicant that he can not be granted a permit to settle, and that therefore his application for an Indian allotment can not be consummated or entertained. If the land is such as can be listed under the Forest Homestead law, the district forester will notify the supervisor to issue a free special-use permit to the applicant, authorizing him to occupy and improve the listable area. As soon as the applicant has established his home on the land, the supervisor will notify the district forester, who will thereafter treat the listable area involved in the case exactly the same as though it were covered by an allotment application involving settlement prior to the creation of the National Forest or prior to June 25, 1910.

## PROCEDURE IN DISTRICT OFFICE.

Applications are separable into two classes—actionable and nonactionable.

<sup>b</sup> Nonactionable cases embrace those for lands covered by applications already of record; lands embraced in a first-form withdrawal under the reclamation act; patented lands; lands embraced in a subsisting unperfected entry (unless applicant has initiated a contest); lands classified as nonlistable; areas in excess of 160 acres; noncontiguous tracts; administrative sites; those not in the form prescribed by Regulation L-51; and those approved for elimination.

### Action on Receipt of Application.

Nonactionable applications will be returned promptly without recording, with a statement of the reason for nonacceptance. When an application is received in the district office, it will be immediately indorsed with the date and hour of its receipt, and the indorsement will be certified by the initials of the mail clerk by whom it was made. A folder will be prepared for each application and filed alphabetically by names of applicants. Applications in the actionable class when received in the form prescribed by Regulation L-51 will be given consecutive numbers by Forests in the order of their receipt by the district forester.

### Entry of Applications in Tract Book.

The tract books for each Forest will consist of township plats (Form 123), one for each township in the Forest, index sheets (Form 124), and wing binders. The tract books will be prepared in accordance with the procedure on National Forests, and the necessary entries made on the Forms 123 and 124 in the same manner as provided in those instructions.

### <sup>c</sup> Securing Status and Notation on Tract Books.

When necessary to secure status from the public-land records in Washington the district forester will use Form 31, changing the words "Register and receiver" to "Forester." No letter will be used in making such requests to the Forester, but any explanation may be made, if necessary, by an accompanying memorandum. The request will be returned with the status report (Form 301). When the status of the land applied for is ascertained, it will be noted on the township plat (Form 123) and the status report filed with the other papers in the case.

<sup>a</sup> Paragraph added; effective Sept. 8, 1917.

<sup>b</sup> Paragraph modified; effective Apr. 1, 1916.

(92-L) <sup>c</sup> Instructions modified; effective Sept. 8, 1917.



#### **Notification to Applicant of Acceptance of Application.**

<sup>a</sup> If after a determination of status the application is placed in the actionable class it will be recorded and the applicant will be notified of the acceptance of his application. If the application is an amended one, the original must be withdrawn unless the amendment is an addition to the original application.

#### **Application Referred to Supervisor for Examination and Report.**

The supervisor will be informed of the acceptance of an application by forwarding to him carbon copies, in duplicate, of the letter to the applicant. These copies will be accompanied by a promise card (Form 326) and a township plat (Form 974) on which will be noted the location of the land applied for, if surveyed, and a description of it if unsurveyed and the case designation. On Form 124, in the tract book, will be noted the date the application is sent for examination.

#### <sup>b</sup> **In Alaska.**

Applications are received by the forest supervisor at Ketchikan, Alaska. The above instructions for receiving, considering, and recording applications will be followed by the supervisor. He will also notify the applicant as above and inform the district forester of this action by sending him a carbon copy of the letter to the applicant and a township plat showing the location of the land. Excepting for the foregoing, the work in Alaska will follow the regular procedure.

#### **Action on Report of Examiner.**

Upon receipt of the examiner's report it will be carefully scrutinized to insure the thoroughness of the investigation and the completeness of statement. If for any reason it appears that the report is erroneous or incomplete it will be returned to the supervisor who approved the report, indicating its defects and requiring its correction. If the report describes as listable an area not included in the original application, the applicant will be given an opportunity to amend his original application, if he has not already done so, to include the additional area so described, provided the total area does not exceed 160 acres. When the report covers unsurveyed land the field notes will be referred to Atlas. When the report recommends that a strip of land for road right of way or telephone line be excluded from the tract to be listed, the report and map showing the excluded strip will be referred to Atlas. Tracings will be made and field notes will be checked as to accuracy and sufficiency of survey, and six blue prints will be made from the tracings. When necessary, the report may be referred for review to the offices of silviculture or grazing. This will be left to the discretion of the district forester. When the report has been finally approved, the proper notation should be made in the tract book on Forms 123 and 124. If all or any part of the tract applied for is to be listed, the exact area should be outlined and hatched with a green crayon on Form 123. Any portion of the tract that is found to be not chiefly valuable for agriculture should be indicated by a green "X" in each subdivision on the township plat.

#### **Listing Surveys.**

Surveys intended solely as listing descriptions will continue as heretofore. When practicable and economical, metes-and-bounds listing surveys may be so made that they will serve the purpose of the surveys required at final proof. For the present, however, this practice usually will be confined to amendatory action at the time of making entry survey of land formerly listed.

#### **Withdrawal of Applications.**

<sup>c</sup> Applications may be withdrawn at any time prior to the transmission of the listing letter by the district forester; no further applications for the same tract of land will be received, but the land will be examined and if found listable will be opened to entry without naming a preferred applicant. Upon the withdrawal of the application a new one for another area may be accepted, if the tract desired is otherwise open to application. No application will be accepted from an applicant for whom one area has already been listed, unless good reasons are shown for the failure to file upon the tract for which a preference right was acquired, but all effort will be made to examine and list land for applicants who have had no such opportunity to file.

#### <sup>d</sup> **Rejection of Applications.**

If the report upon an application is adverse, a letter to the applicant will be prepared for the signature of the district forester in which grounds for rejection will be stated and will be sent by registered mail. Two carbon copies of the letter will be forwarded to the supervisor, one copy for his files and one for the ranger.

<sup>a</sup> Paragraph modified; effective Sept. 8, 1917. (93-L)

<sup>b</sup> Instructions added; effective Jan. 1, 1916.

<sup>c</sup> Sentence modified; effective Sept. 8, 1917.

<sup>d</sup> Instructions modified; effective Sept. 8, 1917.

When the application is rejected because the land is not chiefly valuable for agriculture, a green "X" will be placed in each 40 involved on Form 123 in the tract book, and the same mark made in the "List No." column on Form 124 Index Sheet. The final action taken, with date of rejection, will be noted on the Form 124 in the tract book and the case closed.

**<sup>a</sup> Applications for Lands Proposed for Elimination.**

Whenever a boundary project is decided upon, the examination of individual areas within the tract which may be eliminated should immediately be discontinued; but areas already examined should be disposed of in the usual manner, and applications should be received and recorded as usual, thereby protecting possible preference rights should the land be retained in the Forest. When the elimination is made all applicants concerned should be promptly notified. If the area is not finally eliminated all recorded applications should be handled in the usual manner.

**Applications in Conflict with Mineral Locations.**

If an application is received for the listing of land covered by a mineral location for which application for patent has not been made, and where it appears after such investigation as the district forester considers necessary that the land is chiefly valuable for agriculture and not needed for public use, the applicant will be informed of the mineral location and that the listing of the land under the act of June 11, 1906, will have no bearing upon the determination of the questions, which may arise in a contest before the Interior Department between mineral and agricultural claimants. The applicant will be asked whether, under these circumstances, he desires to exercise his homestead right on the land. If the answer is in the affirmative, the land will be recommended for listing. Where lands are listed within unsurveyed territory the list letter must make appropriate reference to known mines or mineral locations contiguous to or near enough to suggest possibility of conflict, and to such claims as may be tied to the same locating monument as the lands being listed.

**<sup>b</sup> Applications for Land Chiefly Valuable for Its Standing Timber.**

Applications for land chiefly valuable for their present stand of merchantable timber will be rejected. Such applications will not be reinstated if the timber is cut and removed at a later period, but the land will be listed and opened to settlement and entry under the Forest Homestead Act without the naming of preferred applicants. This procedure is necessary in the interest of equal opportunity and to prevent undue favoritism based upon inside information. The same principle will be followed in the case of administrative sites, first-form reclamation withdrawals, or other land so classified as to necessitate the rejection of the original application.

**Lands Valuable for Coal.**

Where land has been classified as coal land or is embraced within a coal withdrawal under the act of June 22, 1910 (36 Stat., 583), pending classification the applicant should be notified of the limitations of the act reserving to the United States all right and title to any coal deposits that may exist beneath the surface at the same time the usual notification is sent him of the filing of the list with the Secretary of the Interior. The following clause should be added to the first paragraph of the listing letter:

"And with the act of June 22, 1910 (36 Stat., 583), reserving to the United States Government all right and title to any coal deposits that may exist beneath the surface."

**Applications in Conflict with Municipal Water Supply.**

Applications for the listing of lands on a watershed used for municipal purposes will be accepted unless such lands have been closed to listing by the Secretary of Agriculture for the protection of the municipal water supply. If an application is received for lands which the Secretary has not closed to listing, it will be disposed of in the usual way. If it appears that settlement will injure the watershed or contaminate the water the application must be rejected. Protection should be afforded communities, and district foresters should cooperate just as freely as possible with municipalities in this matter.

**<sup>c</sup> Applications in Conflict with Second-form Reclamations Withdrawals.**

If an application is received for the listing of land within a National Forest that is covered by a second-form withdrawal under the reclamation act, the

<sup>a</sup> Instructions modified; effective Oct. 19, 1915. (94-L)    <sup>c</sup> Subhead modified; effective Sept. 8, 1917.

<sup>b</sup> Instructions added; effective Oct. 20, 1915.



district forester will forward a description of the land to the supervising engineer of the Reclamation Service and request him to state whether the listing of the land will interfere with the purposes for which the withdrawal was made. If the Reclamation Service has no objection to the listing of the land, the application will be accepted and the supervisor instructed to submit the report in the usual form. If the Reclamation Service objects to the listing of the land, the application will be returned and the applicant informed of the objection.

**<sup>a</sup> Applications for School Sections.**

If an application is received for either surveyed or unsurveyed school lands for which indemnity selection has been made and approved, it should be accepted and handled in the usual way. If indemnity has not been taken or selection made, the application should be referred to the assistant to the solicitor for advice as to whether or not the lands are subject to disposition under the act of June 11, 1906. If in his opinion the Secretary of Agriculture has no jurisdiction, the application will be returned to the applicant without recording.

**Applications in Conflict with Imperfected Claims, Except Mineral Location.**

When an application is presented for the listing of a tract of land under the act of June 11, 1906, which is covered by a homestead or any other entry, selection, filing, mineral application for patent, or reservoir right of way, such application will be returned to the applicant without recording unless it is accompanied by evidence that the applicant has initiated a contest against the homestead entry. In that case a notation will be made upon Forms 123 and 124 of the receipt of the application and the pending contest. The application will then be returned to the applicant with the explanation that should the contest result in final cancellation of the entry the application may be reinstated as of the date of such cancellation, provided it is filed with the district forester within 30 days succeeding the cancellation.

Two carbon copies of the letter to the applicant will be sent to the supervisor, who will make appropriate entries in his tract book, but who will not have an examination made of the land unless advised of final acceptance of the application.

Such applications will not be classed as pending cases.

**Applications in Conflict with Railroad Grants.**

Applications for unsurveyed lands located within the primary limits of a railroad grant, which probably will be granted sections, will be returned, and the applicant will be informed that the Secretary of the Interior has decided that such lands can not be opened to entry under the act of June 11, 1906.

**<sup>b</sup> Preparation of Secretary's and District Forester's Letters.**

All letters prepared for the signature of the district forester or assistant district forester will be written with three carbon copies.

All letters prepared for the signature of the Secretary or the Forester will be written with four carbon copies. The letters prepared for the signature of the Secretary will be written in the form prescribed with a black copying blue ribbon.

The case designation will not be placed on the letters prepared for the signature of the Secretary, but should be placed on the carbon copies.

**List Numbers, Listing and Transmittal of Papers to Secretary.**

The series of list numbers now in use by each district will be continued. Each application listed will be given a serial list number. When the list letter is prepared the date of preparation, list number, Forest application number, and name of Forest will be noted in the district-list book, Form 345. At the same time the list number and acreage will be entered on tract book, Form 124. The Secretary's letter, together with two carbons and all the papers in the case, will be forwarded to the Forester.

**Numbering Supplemental Lists.**

When submitting supplemental lists which describe *by legal subdivisions* areas to be listed, parts of which areas have already been listed and described by metes and bounds, and which must therefore be excepted from the total area of the new list, the supplemental list should be given a new number and the *net acreage* thereby listed should be stated. Reference should be made in the body of the letter to the number of the previous list, and to the acreage of the area embraced in that list.

The list numbering the roadway strips previously excepted and which it is subsequently desired to list will continue the same as heretofore, giving the old list number with the word "supplemental" added.

When the land is described by a metes-and-bounds survey, one copy of the blue print and field notes will be transmitted with the other papers in the case.

When a strip of land is excluded from the tract listed, two blue prints showing the location and area of the excepted strip will also be forwarded with the list letter.

#### **<sup>a</sup> Preference Rights.**

The act recognizes two preferred entrymen, (1) the settler prior to January 1, 1906, (2) the person upon whose application the land was listed.

In case there is no preferred settler only the name of the person upon whose application the land was listed should appear as the preferred entryman in the listing letter.

This department will in all cases determine upon whose application the land was listed before transmitting the listing letter to the Secretary of the Interior.

#### **Notification to Applicant and Supervisor of Final Action by Secretary.**

When the carbon copy of the listing letter showing the Secretary's signature is received from the Forester, the date of the Secretary's signature will be noted on Form 124 as the date the land was listed.

The list number will be written in red ink on the township plat in the tract book across the tract listed.

The applicant will at once be notified by form letter that the land has been listed. When the land is described by a metes-and-bounds survey, one copy of the blue print will also be forwarded to the applicant. Two carbon copies of the listing letter and two copies of the letter of notification to the applicant will be forwarded to the supervisor, together with two copies of the field notes and blue prints if the land is described by a metes-and-bounds survey, and two copies of the blue print if a strip of land was excluded from the tract listed.

#### **Closing Cases.**

<sup>b</sup> All withdrawn cases will be closed upon the date that final action is taken by the district forester. All rejected cases will be closed upon receipt of Form 703, showing that the area has been classified by the Secretary as non-listable. Two copies of the letter taking final action will be forwarded to the supervisor.

Upon receipt of the Interior Department notice that final action has been taken to restore the land to entry, the date of restoration to entry will be entered in the list book (Form 345). A memorandum of the notice will be placed in the folder in the closed file, and the notice will be sent to the supervisor.

#### **Annual Report.**

Annually, on August 1, district foresters will submit to the Forester, on standard atlas pages, a report on settlement. The report will be in the form prescribed in advance by the Forester.

## **PROCEDURE IN WASHINGTON OFFICE.**

#### **Action on Drafts of Listing Letters.**

Drafts of list letters prepared in the district offices and all other settlement correspondence will be referred to the Branch of Lands. If the case is returned to the district forester, a follow-up card will be kept in the Branch of Lands.

Listing letters will not be rewritten in the Washington office unless the draft on its face contains a typographical error or the draft submitted is not in good form. The intention of the district forester in drafting the letter as to its substance must be clear before any letter will be rewritten or changes made therein without returning it to the district office.

#### **Listing Letters Returned to District Office.**

Cases will be returned to the district forester for correction or completion, when upon examination any of the following circumstances exist:

- (a) When reports and papers which are the basis for the list are not inclosed:

<sup>a</sup> Instructions modified Sept. 8, 1917.

(96-L) <sup>b</sup> Paragraph modified; effective Sept. 8, 1917.



(b) When the character of the land is not clearly shown in the reports and accompanying papers.

(c) When the area recommended for listing is less than that applied for and no reasons are given therefor.

(d) When there is a discrepancy between the dates of application as shown by reports and those given in the draft of letter.

(e) When there is a discrepancy in the description of the land, as shown by reports and by draft of letter.

(f) When the one copy of field notes and blue print describing the area required in case of a metes-and-bounds survey are not inclosed with the papers.

(g) When in the case of a metes-and-bounds survey there is a discrepancy in the description shown by the field notes and that shown by the blue prints.

(h) When the description of the roadway excluded from the listed area is not given in the listing letter, or the blue prints of the roadway are not inclosed.

(i) When there is a discrepancy between the letter and the blue print showing the description of the roadway.

(j) When it is found that the area recommended for listing is covered by a claim of record.

When the report and papers in a given case seem to indicate that a faulty policy of land classification on unimportant details is being followed on any Forest the district forester will be written in detail regarding the matter to the end that the settlement work may be put upon a satisfactory basis. But, except in cases of evident error, the individual listing letter will be approved to prevent unnecessary delay. Additional areas may be listed at any time after the larger questions of policy have been settled.

#### **Action by Secretary.**

If the listing is approved by the Forester, the listing letter will be submitted to the Secretary of Agriculture for action. Except in special cases the reports and papers will not accompany the letter to the Secretary.

#### **Papers Returned to District.**

After the letter is returned from the Secretary's office the listing letter will be mailed, and all reports and papers relating to the case returned to the district forester. One carbon of the listing letter will be retained in the files of the Washington office.

#### **Action on Request by District Forester for Status of Land.**

When status of land is obtained from the General Land Office upon request from the district forester the report to the district forester will be made on Form 301, which will be accompanied by a memorandum if necessary.

#### **Action on Requests for Information Regarding Status of Cases.**

When requests are received for information regarding the status of settlement cases which can not be furnished from the records of the Washington office nor the General Land Office, the letter will be acknowledged and the writer will be informed that the request had been forwarded to the district forester with instructions to furnish the information desired. Two carbons of this letter with two copies of the communication from the person making the request and of such inclosures as may have been transmitted therewith will be forwarded to the district forester concerned with appropriate instructions stamped thereon.

#### **Communications from Applicants.**

All applications or correspondence from applicants not in the nature of a request for review of the district forester's action will be referred to the district forester for appropriate action and the writer notified by form postal card.

#### **Action on Request to the Forester or Secretary for Reexamination or Review.**

When an application is received for a reexamination of the tract or a review of the decision of the district forester, such action will be taken as may be warranted by the showing made by the application and the record in the case.

#### **Action on Correspondence from Interior Department.**

When replies to communications from the General Land Office or the Department of the Interior in connection with settlement matters can not be made from the information available in the Washington office, copies of such communications will be referred to the district forester for the preparation of reply for the Forester's or Secretary's signature.

## ENTRY SURVEYS.

### Legislation.

By the act of August 10, 1912 (37 Stat., 287), and subsequent acts authority was conferred upon the Secretary of Agriculture for the examination, survey, and platting of homestead units then or thereafter listed within National Forests, and for describing such lands for patent by metes and bounds, as required by the acts of March 3, 1899, and June 11, 1906. It is specified that such surveys and the plats and field notes thereof shall be made by employees of the Forest Service, to be designated by the United States Surveyor General, and that such surveys and the plats and field notes thereof shall be approved by the United States Surveyor General having jurisdiction.

The action of Congress contemplates that listing surveys may be so made that they will serve the purpose of the surveys required at final proof. Provision is made for surveys amendatory of existing listings intended as bases for entries and for allowable amendments of entries. Patent surveys of tracts already listed will also form a considerable part of the work.

### Joint Authority of Commissioner and Forester.

Administrative control of the work is lodged with the Forester.

Surveys are made under the specific formal instructions of the Surveyor General having jurisdiction, as set forth in General Land Office Circular No. 235, and the additional requirements of the Forester. It is the intention of the General Land Office that a reasonable construction shall be placed upon the requirements of Circular 235, and that all matters within the purview of the Forest Service shall be decided by the Forester or his agents in the field. Equally must district foresters refrain from decisions upon matters which properly come under the jurisdiction of the Commissioner, except when action is necessary in the public interest under emergency.

## FIELD WORK.

### Cooperation with G. L. O.

The Forest Service cooperates with the General Land Office, supplying the information required by law, upon which the public survey of townships within National Forests is based. Hence it is deemed advisable to refrain from making metes-and-bounds entry surveys wherever adequate descriptions in terms of the public survey are available or will become available within a reasonable period.

For this reason metes-and-bounds listing descriptions within surveyed lands should be amended to descriptions by subdivisions (preferably not smaller than 10-acre tracts) whenever such action will not result injuriously to National Forest interests and is otherwise reasonable. Entry men should be informed that such amendments of description will expedite their final proof and patent since entry surveys of tracts capable of suitable amended description will not be undertaken until preferences are exhausted.

No entry or patent surveys will be made of tracts lying wholly within eliminated areas, or wholly within areas approved for elimination by the Secretary of Agriculture. In cases of doubt, as to whether the tract is wholly outside the Forest boundary, the Forest Service will make the survey.

### Order of Preference.

Preference will be given first to those cases which can soonest come to final proof, and second to those in which earlier survey is warranted for administrative reasons which, in the judgment of the district forester, are sufficiently urgent to justify modification of the first preference list.

July 1, 1917.

(93-L)



### **Instructions of Surveyor General.**

Formal instructions for the survey of individual tracts will be requested of the Surveyor General sufficiently in advance of the date on which the entryman intends to offer final proof to permit the Surveyor General to issue them without undue burden upon his office personnel, and to prevent undue delay in execution of the field work.

### **District Forester Instructions.**

Instructions of the Surveyor General should be carefully scanned by the district office before they are issued to the surveyor. Where need exists, the district forester should issue a letter embracing additional information and instructions covering those points within his jurisdiction, which should be observed to safeguard the administration, protection, and improvement of the National Forest.

### **Monumentation.**

Forest surveyors are required to employ monumentation of the most substantial materials available, with markings deep and legible, properly supported by well chosen witnesses. Careless monumentation will not be tolerated. Standard Forest Service metal corners of 2-inch iron pipe, 3 feet long, weighing 14½ pounds, may be provided, with the necessary dies, upon annual requisition November 1, to the Forester. (See Allotment Report.)

Complete or partial monumentation with metal corners is desired in all regions where good corner stones are difficult to procure. Corners should be numbered clockwise, except where impracticable owing to road exceptions.

### **Field Methods.**

"Base line" surveys are forbidden, though the need for limited triangulation under justifying circumstances is clearly recognized. Stadia measurement should not be used where the tape can reasonably be employed. All surveys must be actually closed and computed for closure before leaving the ground. Subdivision need be carried down to 40-acre lines only, smaller tracts being located by proportional measurements and bearings.

### **Blazing.**

Random and tie lines should never be blazed. Upon true lines run through timber the line trees should always be blazed, fore and aft, breasthigh, using a single spot.

Complete blazing is not done unless upon request of the supervisor, approved by the district forester. In such cases the supervisor should, if possible, provide the additional labor required.

A single plain blaze or spot should be used, placed breasthigh. Line trees should be blazed on opposite sides in the plane of the line, with a single spot. On each side of the line a sufficient number of trees within reach of the ax from the line should receive one spot, facing the line squarely. In open stands, trees within 25 links of the line may be blazed within the judgment of the surveyor. The Service trail blaze or the double spot of the General Land Office should not be used.

### **Closures.**

The perimeter of each tract is expected to close at 1:1000 or better. Closures less accurate than 1:640 will not be accepted by the district office. This does not refer to closed traverses including lines of the public survey as of record.

## **OFFICE WORK.**

### **Preparation of Returns.**

Notes are made up on Form 85, Sheets 1, 2, 3, 4. Plats are drawn on Form 85 A, mounted. There is an edition of this form on atlas paper for scratch purposes.

All plats will be made up on atlas scales, using 4, 8, 16, or 32 inches to the mile, which will be expressed on the plats as respectively 20, 10, 5, and 2½ chains to the inch. Lettering must be in conformity with special instructions, illustrated by a sample plat supplied to all districts.

Preliminary returns may be required of entry surveyors, in the discretion of the district forester. They will consist of duplicate typewritten field notes and a draft of the plat, forwarded to the Surveyor General for criticism.

After the return of the criticized plat and notes the returns will be prepared in final form as follows:

- (a) One plat; on the thick Form 85 A, in ink.
- (b) The original of the field notes with four carbons.

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(98-L¹)

#### **Transmission of Returns.**

The plat, original field notes, and two carbon copies will be forwarded to the Surveyor General, who, if he finds them satisfactory, will approve them. He then forwards the plat and one carbon of the notes to the Commissioner of the General Land Office, with the request that if they are acceptable the plat be transmitted to the Forester for duplication. He also informs the district forester of the date on which the plat and notes were approved.

#### **Duplication of Plats.**

The Forester will duplicate the plat by photography, and blank out the Surveyor General's signature on three copies, size 19 by 24 inches. A sufficient edition for Forest Service purposes will be provided, size 18 by 21 inches, on which the signature of the Surveyor General will be retained. All copies are mounted on muslin.

#### **Disposition of Duplicates.**

The original plat and three blank copies will be returned to the General Land Office for transmission to the Surveyor General. One of these is sent to the entryman for posting on the land. Three copies, 18 by 21 inches, are transmitted to the district forester who will forward two plats to the supervisor with one copy of the notes.

### **ADDITIONAL LISTINGS.**

Data for additional listing will be required of the entry surveyor under the following circumstances:

1. When additional area is included for the primary purpose of listing additional land.
2. When, in tracts listed as 160 acres, it is found that the listing survey fell short of 155 acres and it is desired to complete the statutory area.
3. When, in tracts listed as less than 160 acres, courses are changed or omitted primarily to simplify the surveys, but adjacent parcels are thereby included, whose size and conformation give them the palpable appearance of additions.

### **INSPECTION OF ENTRY SURVEYS.**

#### **District and Forester Inspections.**

District foresters are required to maintain a schedule of searching instrumental inspections in conformity with the following instructions. In addition, members of the Forester's office will make complete inspections in certain cases. Forester's inspections may take the place of a corresponding number of district inspections, if the district forester desires, unless a different intention appears in Washington letters of instruction for travel. Washington inspectors are not expected to make corrections in field work unless upon previous agreement with the district forester.

### **DISTRICT INSPECTION INSTRUCTIONS.**

Each year thorough check will be made for sufficiency and accuracy upon a part of the field work of each surveyor. The inspecting officers, the cases to be inspected, and the date of inspection will be designated by the district forester.

#### **Responsibility of Inspectors.**

Since the work of inspectors is a standard by which the work of others will be judged, it must be both accurate and especially reliable. The inspector's closed traverses should ordinarily close within 1:1500, or better, and where discrepancies are discovered which exceed the limits, inspectors should apply all the additional needful tests and repetitions of their work, both instrumental and by computation, to justify their findings. All inspection surveys should be closed before leaving the ground.

#### **Amount of Inspection.**

Of the cases surveyed by each individual during each calendar year at least one will be subject to complete inspection under these instructions.

The district forester may cause more than one complete inspection to be made of the work of any surveyor. Or he may, in addition to the minimum requirements, obtain partial checks of the measurements and alignment of such surveys as he desires. Such partial checks are useful so far as they extend, but can not serve the



ends achieved by complete retracement. Any form of inspection which does not include instrumental tests is inconclusive.

#### **Promptness of Inspection.**

In order to prevent delay of the cases inspected, the inspection should preferably take place during the same field season in which the survey is made, and before the preliminary returns have been submitted to the Surveyor General.

#### **Information Supplied to Inspectors.**

The inspector will be supplied with all such available data as may be necessary, including that of the surveyor. The inspection program should be carefully planned, and in many cases it will be found advantageous to issue district instructions outlining what is expected of the inspector and also the limits of his powers.

#### **Inspectors' Methods.**

Should the inspector come to the work with a well adjusted solar attachment, and be able to check the bearings of all lines within the limits stated, the test will be considered sufficient. Otherwise, the direct astronomical methods and sustained angulation must be resorted to.

#### **Field Corrections by Inspectors.**

Inspectors may be authorized, by district foresters only, to make corrections in the field work of surveyors. Obviously, such corrections must be made only where the error is evident or has been carefully proved, and the inspector stands responsible for his acts in this regard. It must be recognized that some surveys will be found more exact than the inspection.

Several classes of correction of surveys are noted to be made under varying conditions which govern the needed action.

1. Where the survey is correct on the ground but errors appear in the record.
2. Where the returns are correct for the conditions but certain details on the ground are found incorrect or incomplete.

3. Where both the work on the ground and the records are wrong in part or wholly. The needed corrections may be slight or extensive. The original surveyor may not be available to correct his own record, or if available may be unwilling to change his record on the recommendation of the inspector. Hence the several schemes for effecting needed corrections will be approximately as follows:

(A) The inspector notes needed corrections of the record to be made by the surveyor or by himself, if necessary.

(B) The inspector makes needed changes in the field. No change needed in the record.

(C) The inspector makes needed changes in the field, and the surveyor revises the record to conform.

(D) The inspector makes needed changes in the field and revises the notes and plat to conform, making additional affidavit to his own work.

(E) The inspector makes a practically complete resurvey, taking full responsibility, and prepares the returns to conform. The Surveyor General is requested to change the designation of the instructions.

#### **Report of Inspector.**

The inspector will examine and retrace the survey in each case to which he is assigned and render report of each inspection to the district forester for his approval, covering the matters stated in the following outline. A copy of the approved inspection report will be transmitted to the Forester. (See Inspection Report.)

### **U. S. DEPARTMENT OF AGRICULTURE—FOREST SERVICE.**

#### *Inspection of H. E. S. No. 999, State of Colorado.*

L  
Pike—Entry Surveys  
Jones, John H., List No. 2-64.

Headquarters  
Date

1. Surveyor's name and title. Dates of survey, inclusive. Name and title of inspector. Reference to district letter of instructions, if any. Date of beginning and ending inspection.

Location of tract by Forest, township, range, section, base, and meridian.

July 1, 1917.

(98-L<sup>3</sup>)

2. Transit used, certificate of correct adjustment, and that needed observations for time, latitude, and azimuth were made, specifying the methods used.

3. The listable nature of lands included by adjustments and amendatory additions from the two viewpoints of status and correct classification.

4. Notation of overlap or objectionable hiatus, should either condition exist.

5. Failure to adopt section, quarter, or forty lines as boundary, and to eliminate superfluous corners and courses where such action is proper and desirable.

6. Condition of corners, including firmness of setting, material, dimensions, and markings, the measurements and markings of witnesses, and their bearing and distance from the corner. These matters should be checked, but need not be reported in detail, a certification of correctness being sufficient unless errors are observed and changes made.

7. Correctness of location of corners, so far as their position is governed by the listing description, the special instructions, and the statutory limitations upon length and area. Necessary retracements to check the position of corners restored and subdivision to check position of corners built whose location depends upon subdivision. Resulting discrepancies should be shown by giving bearing and distance of corners built by the surveyor from the points determined by the inspector.

8. Tables contrasting original courses and inspector's courses in parallel columns. Computation of area from the inspector's courses. Surveyor's area. Inspector's error of closure. Surveyor's error of closure.

9. Record of corrections made in the field.

10. Recommendations.

#### Criticism of Inspected Surveys.

The records of the district office, together with the check afforded by the inspection report, should enable the district forester to determine the following points, upon which the worthiness of the survey depends:

1. Whether the survey has embraced only lands proper for inclusion.

(a) Lands previously listed and definitely marked.

(b) Lands which the Forest Service intended to list, but indicated indefinitely or left unmarked.<sup>1</sup>

(c) Lands which the Forest Service intends shall be listed, as in the case of amendatory or additional listings.<sup>2</sup>

2. Whether lands which can not be listed, or which may not be included in the same entry survey, or which the patent can not convey, or which are not subject to entry survey, have been properly excluded.

(a) Lands classified as nonlistable.

(b) Lands not within the Forest boundary at the date of listing.<sup>3</sup>

(c) Desired additions to listed tracts which already embrace two homestead entries.<sup>4</sup>

(d) Valid alienations of patented lands.

(e) Listed tracts lying wholly within eliminated areas or within areas approved for elimination by the Secretary of Agriculture.

(f) Those portions of listed tracts embracing both surveyed and unsurveyed lands, which should be patented by subdivisions.

3. Whether the practical execution of the survey is satisfactory as to sufficiency and accuracy, within limits justified by the conditions.

(a) The location of corners reestablished, or depending upon sectional subdivision should not differ materially, under favorable field conditions.

<sup>1</sup> It is the duty of the district forester to determine the lands intended to be listed where no listing corners were set.

<sup>2</sup> Only one *additional* entry is allowed to any entryman by the General Land Office. Therefore, a single entry survey which embraces two homestead entries must be confined to the tracts already filed on (except for the allowable straightening of lines, etc.).

<sup>3</sup> Entry surveyors and inspectors may be obliged to determine the Forest boundary when it is a surveyed section line or a subdivisive line of a surveyed section. When the listed tract is limited by Forest boundary, technically unsurveyed, no attempt will be made to determine the boundary by exact methods, unless the Surveyor General is willing to lay down explicit instructions.

<sup>4</sup> Under these circumstances additional lands which it is desired to list must be embraced in a separate entry survey, since it is discretionary with the Commissioner whether one of the entries shall be amended to include the additional area.



Under difficult conditions an extreme disagreement of 15 links may be allowed in the location of a reestablished Land Office corner a mile from the nearest previously existing corner. Proportionately greater or less allowance should be made for corners depending upon longer or shorter lines.

(b) The difference between the bearings of identical lines as reported by the surveyor and by the inspector should not under ordinary conditions exceed 6 minutes of arc.<sup>1</sup>

Under field conditions of difficulty a somewhat greater discrepancy may be passed in the discretion of the district forester, particularly if the line is short, but in no case should the discrepancy exceed 10 minutes for a side of 5 chains or less. On difficult courses longer than 5 chains the allowance should be lessened and no discrepancy passed exceeding 8 minutes.

Over ordinary surfaces, the difference between the reported measurements of identical lines, *minus 1 link*, should not exceed 1/500 of the inspector's measurement.<sup>2</sup> Under difficult conditions the requirement may be decreased, but not below 1/400.

(c) Observe compliance with statutory length and area.

(d) Observe sufficiency and correctness of building, marking, and witnessing corners and location monuments. Also the order in which corners are numbered, particularly on road exclusions.

(e) Observe statements of inspector under sections 4, 5, 8, and 9 of the report.

If the inspector's report is approved, the district forester should cause the needed revisions to be made before the preliminary returns are submitted to the Surveyor General.

#### **Additional Inspections Required in Certain Cases.**

If the required complete inspection of any entry survey discloses material errors by the original surveyor, at least one additional survey by the same man must be inspected. Should the additional inspection reveal further insufficiency or inaccuracies, necessitating extensive corrections, the district forester will take such means as may be necessary to maintain the standard of the surveying force and of the field work.

Should any surveyor be disqualified and doubt be thereby cast upon all his past field work, the district forester should assure himself of satisfactory returns in these cases. This may be accomplished, either by judicious tests and corrections, or preferably by discarding the notes of the first surveyor, transferring the instructions to other surveyors of proved ability, and proceeding as in new cases.

#### **Decision Between Surveyor and Inspector.**

Should the surveyor dispute the findings of the inspector he should be given sufficient opportunity to present his case, with access to the data of the inspector.

The district forester will decide all questions arising in district inspections upon which these instructions are not specific.

### **CORRECTION OF ERRONEOUS SURVEYS.**

Whenever considerable errors are noted in entry surveys which have not passed to patent, either as regards the facts on the ground or the record, suitable action is required looking to the maintenance of the standards set for the work.

The detection of such errors may arise not only as the result of Forest Service inspections, but also from connections to or retracements of adjoining or adjacent entry surveys under the instructions of a Surveyor General.

In the latter instance the errors detected (unless rectified) must be reported in the returns of subsequent surveys in order to justify them, as set forth in section 33. Circular 235.

The nature and probable extent of serious errors should be promptly communicated to the district forester with a request for instructions, unless sufficient instructions have already been given, as, for instance, to inspectors under definite orders. The district forester will endeavor to learn the status of the case and if possible suspend its passage to patent by communicating with the Surveyor General. As a last resort in cases far advanced the register and receiver may be requested to withhold delivery of the patent.

If the case has not passed to patent and suspension of action is secured, the district forester will ordinarily instruct the surveyor to make such corrections in the field as are plainly needed, and be prepared to correct the returns to that extent, or to assume responsibility for the entire survey, if necessary. The returns will be withdrawn and corrected as provided in the inspection instructions.

<sup>1</sup> 1914 instructions allowed 8 minutes for ordinary running, and under difficult conditions as follows: For lines 40 chains and upward, 10 minutes; for lines from 10 to 40 chains, 12 minutes; lines under 10 chains, 15 minutes. Extreme allowed discrepancy in location of corners determined by subdivision, 15 links.

<sup>2</sup> 1914 instructions allowed discrepancy of 1/100 on all surfaces, without previous deduction of 1 link from the discrepancy, which is now approved to guard against the differences of 1 link arising from measurements taken "to the nearest link."

As a working rule serious errors are defined as those in excess of the limits stated in the inspection instructions effective when the survey was made, or failures to comply with the requirements of Circular No. 235. Yet one single error, or even several small errors, may not necessarily be ground for undertaking extensive and costly inspections and retracements. The needs, under the varying conditions of each case, will be decided by the district forester, who should take a reasonable median course. The district plan in this regard should be set forth as plainly as possible to entry surveyors before they take the field, in order that their actions may harmonize with a policy neither careless nor niggardly on the one hand nor overcritical and extravagant on the other.

No attempt will ordinarily be made to revise errors detected in the surveys of patented tracts, unless they should be found to work gross injustice upon an entryman. Such an instance might be a physical overlap upon previously patented land, not disclosed by the record. Should such flagrant errors be detected the conditions should be reported to the Forester in sufficient detail to allow the Commissioner to consider the case and direct possible corrections on the ground or in the record.

#### **<sup>a</sup> Abandoned Surveys.**

The term "abandoned surveys" indicates those cases in which the field work of a survey has been completed, subsequent to which, through the listing of a roadway exception, or the adjustment of the perimeter to subdivisional units, or both, the tract is allowed to progress toward patent under a description in terms of subdivisions. The entry survey becomes of no further use and in this sense is abandoned by the Forest Service.

The need for obliteration of abandoned surveys is obvious, especially wherever metal corners have been set.

As soon as the district forester has decided upon the abandonment of an entry survey, a letter should be addressed to the surveyor general stating the reason for abandonment, and requesting him to cancel the original instructions and authorize the obliteration of all evidences of the survey on the ground. A copy of this letter should be transmitted to the Forester. If the survey has already been approved and transmitted to the Commissioner, the Forester should be notified of the abandonment by wire in order that the Commissioner's office may be promptly informed.

The blazing of boundary lines of HES surveys blazed under existing instructions can not be obliterated, but all other evidence of the abandoned survey should be destroyed. Due care must be taken to avoid the destruction, through inadvertence, of corners and bearings upon which valid surveys depend. A brief report of the action taken should be made by the district forester to the surveyor general.

### **ANNUAL REPORTS.**

#### **Statistical Report.**

<sup>b</sup> The statistical report of entry survey activities is in the form of an atlas sheet, prepared in accordance with a sample sheet and special instructions furnished to all districts. It is due on the tentative date of October 1, or as soon before or after that date as reliable figures can be secured from the Office of Accounts, closing the transactions of the previous year, and showing the unincumbered balance remaining in the district allotment on June 30.

#### **<sup>c</sup> Record of Townships Invaded.**

Due January 1 and July 1, consisting of atlas sheets, tabulating by States, in the order of HES numbers, the townships and sections (surveyed and unsurveyed) invaded by entry surveys made, or for which instructions have been issued during the preceding six months. The title should show the facts where a State is in more than one district. Only one State must appear on a sheet. Single space the typewriting, put two columns of the report on each page, and mount and punch the sheets.

L. ENTRY SURVEYS.		STATE. DISTRICT.		FOREST SERVICE. DATE OF 6-MONTH PERIOD.	
HES No.		SECTIONS.		Township and range.	Meridian.
Surveyed.	Unsurveyed.	Surveyed.	Unsurveyed.		
					National Forest.

Where there is any uncertainty as to the sections which may be invaded, report should be deferred until the HE survey has been made.

#### **Inspection Report.**

<sup>b</sup> Due February 1, consisting of a letter commenting upon the grade of the work done, the results of inspections, and related matters, and inclosing duplicate copies of the district inspection reports for the preceding field season.

Cost keeping is not required, but the Forester desires to receive reports of those districts which wish to keep costs.

<sup>a</sup> Instructions added; effective Dec. 1, 1917.

<sup>c</sup> Instructions modified; effective Apr. 1, 1919

<sup>b</sup> Sentence modified; effective Dec. 1, 1917.



## RESERVED SITES.

### Reason for Reserving.

It is specifically provided in the Forest homestead act that lands should not be listed which are required for public purposes. To insure the efficient administration, protection, improvement, and use of the National Forests and their resources, certain tracts must be retained in public ownership. These include areas for headquarter stations, lookout stations, roads, telephone lines, pastures, planting and nursery sites, and for similar purposes needed in the work of Government officers charged with the administration, protection, and improvement of the Forests. They include, also, areas essential to the use and disposal of National Forest timber for mill sites, logging roads, banking grounds, chutes, etc., and areas necessary to the proper utilization of the forage resources of the Forests, for watering places, lambing grounds, stock driveways, holding grounds, and the like. Recreational use of the Forests is also recognized by law, and this requires the retention of camping grounds and similar places for the accommodation of the public. Likewise, tracts embracing watersheds from which the water supply of municipalities is taken should be retained for protection against contamination and pollution.

### Kinds of Reserved Sites.

Two classes of reserved sites are recognized:

First, Administrative Sites, which include all areas reserved for the purpose of facilitating the ordinary administration, protection, and improvement of the Forests by forest officers, such as ranger stations, summer pastures, lookout stations, and other similar purposes.

Second, Public Service Sites, which embrace all areas needed for the proper utilization of National Forest resources, such as camp grounds, water holes, mill sites, and like uses.

### How Reserved.

The use or occupancy of a given tract of land for any of the above purposes is the most simple and effective form of reservation. Next to this is a formal dedication of the area to a specific use in the future by plans proposed and approved. Not all reserved areas are made a matter of formal record or posting. In a certain sense all National Forest lands are reserved for public service purposes, and any area may be used for the purposes above enumerated. Special reservation is only necessary where there may be some other demand for the land, and only such areas require the protection of a recorded dedication as may possibly be later claimed or coveted for private purposes. Such special reservation is accomplished by use or dedication inside the Forests, or use or Executive order outside the Forests. In either case it should be made a matter of formal record.

## ADMINISTRATIVE SITES.

### Policy in Selecting.

A general plan for selecting administrative sites based upon known requirements for protection and other activities distinctively administrative in character is primarily important. Supervisors should be able to determine what in this regard is requisite on their respective forests. Care must be taken in selecting sites to avoid unnecessary interference with development of agricultural lands by settlers.

The selection of areas agricultural in character or surrounded by land of that sort should be made as soon as possible to avoid complications with applicants under the Forest homestead law. The need of early selection in agricultural sections should not delay the selection of areas differently situated but needed for administrative site purposes. Land located in a mineralized region, but not known to be valuable for mineral, may be selected as the actual needs of the Government may require. Great care should be exercised in making such selections so as to avoid as far as possible conflicts with present as well as future mining locations.

### Number and Extent of Administrative Sites.

The number of administrative sites will be confined to what is required for the present or to the reasonably prospective needs of the Service. The mere possibility of future need of a given tract for administrative site purposes does not justify its retention. The requirement need not be present, but must be certain and apparent to

warrant selection now. Should the future demands of the Service require the establishment of sites additional to those now needed they may be selected as occasion arises.

Tracts withheld as administrative sites should be restricted in extent to the area actually required for the reasonable accomplishment of the purposes for which they are reserved. No fixed acreage can be adopted for the different kinds of sites, but various conditions, as soil, climate, and character of use, must be considered in determining the size of the area to be retained in any particular case.

#### Limitation of Selectable Lands.

No listable land which has been applied for under the act of June 11, 1906, will be selected, neither will any land which is occupied, used, or claimed in good faith for agricultural or mining purposes be selected during such occupancy or use. If an area actually needed for administrative site purposes is covered by a claim believed to be invalid, a report on the claim may be made in accordance with the procedure prescribed under "Claims," but the selection will not be made until the invalidity is established by appropriate "Claims" proceedings.

Where an improved claim is desired for administrative site purposes and the purchase of the improvements by the Government is contemplated, such purchase must not be made until specifically authorized by the Forester, and no steps should be taken to effect a relinquishment of the claim until such approval is obtained. (See Claims Reg. L-41.) In determining the amount to be paid for such improvements, their reasonable value to the Forest Service, and not their original cost to the claimant, should govern. No consideration can be given for the value of the land since its title is in the United States. Land can not be purchased except under specific appropriation by Congress. Land donated for a nominal consideration is not considered a purchase and may be accepted.

Unsurveyed lands within the primary limits of railroad grants which, when surveyed, are likely to fall within railroad sections should not be selected if it is possible to find other areas, and where such lands are selected they will be subject to any rights which may accrue to the railroad by reason of survey and patent.

The selection of a site within a withdrawal for reclamation purposes will not be made until the district forester is informed by the proper project manager of the Reclamation Service that the use of the land for an administrative site will not conflict with the purposes for which the land was withdrawn.

If suitable sites can not be found within the forest, vacant and unappropriated public land outside may be recommended for withdrawal under the act of June 25, 1910 (36 Stat., 847).

Recommendation for selections should be made by rangers to the supervisor as the need arises or becomes apparent, but no station may be selected or posted, except pursuant to specific authorization by the supervisor.

#### Selection of Sites Within National Forests.

When it is decided by the supervisor that any tract is desirable and needed for administrative site purposes, the status of the land will first be ascertained and, if the area is subject to selection, it will be immediately located by legal subdivisions, if on surveyed land, or by metes-and-bounds survey, if on unsurveyed land, in accordance with the "Instructions for Making Forest Surveys and Maps." The site will be conspicuously posted with Forest Service notices (Form 263) as soon as located. If necessary, and the status of the land shows the tract to be selectable, posting may be done before survey. Each site must have a distinctive name. A report in duplicate (Form 271) will be submitted to the supervisor by the forest officer who locates the site. A map in duplicate (Form 878a) and, if a metes-and-bounds survey is made, field notes in duplicate, must accompany the report. If the supervisor, after checking it to determine the accuracy of the status description and survey, approves the report, he will note his approval thereon, prepare a folder for the record and record the selection in the tract-book township plat (Form 123). Folders will be arranged alphabetically in an "Administrative Site" file. Selections will be noted on the Form 123 in the following manner:

Selections or withdrawals proposed.	{	Outlined in red crayon and given key number in red ink.
Selections approval by district forester or withdrawals effected.		
Release or cancellation proposed.	{	Hatched in red crayon.
Sites released or cancelled or selection disapproved by district forester or withdrawal refused.		
		Outlined in black pencil.
		All markings erased.



When the site selected is on National Forest land, the supervisor, after indorsing his approval on both copies of the report, will submit them together with two copies of the field notes, if any, and one map, to the district forester. If the selection is approved by the district forester, he will endorse his approval on both copies of the report, and the site will be indexed and recorded in the appropriate Forest tract book of the district office, following the method prescribed for the supervisor's office. Three blue prints from the tracing (Form 878a) will be prepared and the original approved report, map, or tracing and two blue prints, one for the supervisor and one for the ranger, will be returned to the supervisor. Upon receipt of the approved report by the supervisor, definite record of the site will be made on the Administrative Site Index Sheet (Form 124a) in the front of the tract book. The index sheet will show, by proper headings, the index number of each site serially from 1 up, the name of the site, its area, the date of approval of selection by the district forester, or the date of withdrawal if outside the Forest, and, in case of release of withdrawal or cancellation of selection, the date thereof. For the purpose of facilitating the preparation of statistical reports the district forester may require the keeping of other records supplemental or additional to the index sheet.

#### **Selection of Sites Without National Forests.**

When the site selected is on vacant and unappropriated public land outside a National Forest the procedure prescribed will be followed in selecting, locating, and reporting upon the site; but the report when submitted to the district forester must be accompanied by a letter from the supervisor, stating the urgent need for withdrawing the site. If the tract recommended for withdrawal is in Washington, Oregon, Idaho, Montana, California, Colorado, or Wyoming, it must appear in the communication from the supervisor that there is absolutely no tract within the Forest boundaries suitable for the purpose desired. Although not compulsory in the other States such a statement is desirable and should be included. Only such tracts as can be described by legal subdivisions or approximate legal subdivisions should be recommended. If the district forester approves the selection, he will submit to the Forester the report and supervisor's letter together with the original and two copies of a letter to the Secretary of the Interior, prepared for the signature of the Secretary of Agriculture, recommending the withdrawal and the original and two copies of a draft of Executive order making the withdrawal. The letter to the Secretary of the Interior must contain a statement that there is no land within the Forest boundaries suitable and available for the purpose involved. When final action has been taken the papers will be returned to the district forester. If the Forester disapproves the selection, the papers will be accompanied by the original and one copy of his disapproval. If the site is recommended for withdrawal, the papers will be accompanied by a copy of the Secretary's letter and a copy of the Executive order.

When the papers are received by the supervisor, he will forward to the district ranger a copy of the Executive order in addition to other papers usually sent in such cases.

#### **Cancellation of Administrative Sites.**

Administrative site selections approved by the district forester may be canceled by him. When the supervisor is of opinion that a selected site is no longer needed in the administration of the Forest he will prepare an order of cancellation, in triplicate, wherein the site will be identified by name and description and the reasons for cancellation succinctly stated, also a list of the improvements placed thereon with their approximate cost and present sale value, and will submit the original and one copy to the district forester. If the district forester approves the cancellation proposed, he will sign the order and, after it has been recorded in the Forest tract book, return the original to the supervisor. When the order is received by the supervisor it will be recorded on his tract book and the triplicate copy will be sent to the district ranger for his files, and all posted notices of selection or withdrawal should then be removed from the tract.

#### **Revocation of Withdrawals.**

Administrative sites which have been withdrawn by the Secretary of the Interior or by Executive order may be revoked in whole or in part by the Secretary of the Interior or by an Executive order, as the case may be.

The supervisor will submit to the district forester a letter recommending the revocation which will identify the site by name, description, and location, and which will give the reasons for the recommendation and, if located, outside of a National Forest, state whether the site is valuable for water-power purposes. The district forester will prepare and submit to the Forester a letter to the Secretary of the Interior for the signature of the Secretary of Agriculture, recommending the revocation of the with-

drawal or a draft of an Executive order revoking the withdrawal, as the case may be. The letter to the Secretary of the Interior must give the name of the site, the date of withdrawal, a description of the land withdrawn, if surveyed, and, if unsurveyed, its approximate location by metes and bounds, including the meridian, the name of the National Forest and State, and the approximate number of acres included. The Secretary's letter or the draft of the Executive order will be accompanied by the supervisor's letter and, if necessary, by a memorandum from the district forester to the Forester. The subsequent procedure will be the same as when a withdrawal is recommended.

#### **Closing Administrative Site Cases.**

Whenever the need for a site ceases the supervisor will report the fact to the district forester and recommend cancellation or release, as the case may require. Where improvements have been placed upon the area the case will not be closed in the district office until final action has been taken relative to the sale or other disposal of the improvements. In his report recommending cancellation or release the supervisor will, whenever improvements are involved, give specific information as to the appraised sale value of each improvement on the site, the probability of effecting a sale and the names of possible purchasers, if a sale is deemed expedient, or if a removal rather than a sale of the improvements is deemed advisable, the reasons therefor will be stated. If the district forester approves the report, he will issue appropriate instructions to the supervisor for the disposal of the improvements. Only such improvements as are severable and removable from the land will be considered. If the sale be directed, the procedure will be as prescribed under "Condemnation of property having a sale value" on page 32-A of the Manual.

In the district office, an administrative site case will be closed (1) when a selection proposed is disapproved, (2) when a selection is canceled, or (3) when notice of the release of a withdrawal is received. In the supervisor's office, the case will be closed when (1) notice of final action respecting it is received from the district office by the supervisor, (2) the closure has been noted on his records, and (3) notice of closure is sent to the district ranger. Upon receipt of such notice the district ranger will close the case on his records and thereupon promptly remove any notices that may have been posted on the tract.

#### **Annual Report by Supervisor and District Forester.**

Supervisors will include in their statistical report (Form 446) to the district forester, due on July 15, a statement for the preceding fiscal year of administrative sites. Annually, on August 1, the district forester will submit to the Forester, on standard atlas pages, a report on administrative sites. The report will be in the form prescribed in advance by the Forester.

#### **a Water Reservation and Appropriation.**

In all cases where it is necessary to obtain from a lake, spring, or watercourse (natural streams, including rivers, creeks, runs, and rivulets) water for use on an administrative site for domestic or irrigation purposes, the supervisor will post a notice at the point of diversion, giving date of posting, location of point of diversion, amount of water reserved or appropriated, means by which water is to be put to beneficial use, and location of land upon which it is to be used. Duplicate copies of this notice should be preserved in the records. He will immediately submit a report, in duplicate, to the district forester, giving the essential facts, such as name of stream, location of point of diversion, evidence of available unappropriated water, amount of water reserved and appropriated, use to which it will be put, place of use, description, and estimated cost of contemplated construction, and whether or not there are any objections to the action proposed. The district forester will endorse his approval or disapproval on each copy and return one copy to the supervisor, who may then begin construction work if the appropriation is approved, or should at once remove the notice if disapproved. Upon the completion of the construction work necessary to effect the diversion of the water desired, the supervisor will submit, in duplicate, blue prints to the district forester and proof of use of such water, setting forth the actual point of diversion, a description of the construction work performed, giving the dates of beginning and completion, cost of construction, names and addresses of the persons doing such work. The report should also state the amount of water actually reserved and appropriated, the amount which the ditch will carry in miner's inches or second feet, the date when the water was first put to beneficial use, and the names of the parties who actually used the water or witnessed such use and have a personal knowledge of the same. Affidavits in the usual form should be attached to the proof, setting forth statements by the persons who witnessed the beneficial use of the water, giving the date when the first beneficial use was made, the source from which the water was diverted, and the manner in which it was utilized, to what use it was put and upon what lands, giving the acres of land cov-



ered and second feet of water actually used, and the location by legal subdivisions, or otherwise, of the land in question. (A joint affidavit may be used where several witnesses would testify to the same facts.) Where it is likely that appropriations from the same watercourse will be made by settlers and others, the district forester will consult the assistant to the solicitor, and, in order to avoid misunderstandings, and to notify the public of the Government appropriation of water, may direct the supervisor to follow the procedure prescribed by the State laws. Reimbursements will be made for expenses incurred in taking the steps incident to complying with the law. The district foresters will issue separate circulars to the supervisors in each State in their respective jurisdictions, fully explaining the requirements of the State law, and embodying such forms as it may be necessary for the Forest officers to use. By the act of August 30, 1890 (26 Stat., 391), rights of way for ditches and canals constructed by the authority of the United States are reserved in all patents issued west of the one hundredth meridian.

### PUBLIC SERVICE SITES.

Keeping in mind the general principle that all National Forest land should be devoted to its highest use, it is obvious that certain tracts must be retained under the control of the Government for sawmills, banking grounds, and other purposes incidental to the cutting, removal, or management of National Forest timber, for lambing grounds, watering places, driveways, etc., affecting the management of the grazing resources of the Forests, for the protection of watersheds on which the water supply of municipalities depends, and for recreational and similar purposes.

Areas so withheld will not, ordinarily, be improved by the Forest Service nor be occupied by forest officers and are distinct from administrative sites which are reserved because essential to the protection and proper administration of the Forests. Only those areas, the need of which for public service purposes is reasonably apparent, will be posted or selected, as in the case of administrative sites. The indiscriminate posting and selection of tracts having merely a conjectural value for such purposes is unwarranted. Land classified as nonagricultural is sufficiently protected by the classification for ordinary public service purposes. Hence, except in the case of sites selected for recreational purposes under the act of March 4, 1915 (38 Stat., 1101), only those areas which have possible agricultural value and are needed in connection with the proper utilization of National Forest resources, will be selected, posted, and recorded as public service sites.

The general procedure prescribed for the selection, approval, and recording of administrative sites will be followed in the selection and setting aside of areas for recreational sites under the act of March 4, 1915, *supra*, and of other public service sites, except as hereinafter specially noted. After a site has been selected and, if necessary, surveyed by metes and bounds, the report in the case will indicate clearly the purpose for which the site is to be retained and the need for it. The report for other than recreational tracts will bear a proper "Public Service Site No. —" designation, instead of a specific name. The blank space for the case number will be left to be filled in by the supervisor after he shall have checked and approved the report. Each selected tract will, after approval by the supervisor, be entered on the tract book (Form 123) by outline in dark-green crayon and its designation shown in green ink. An index sheet similar to that for administrative sites will be provided in both the district office and the supervisor's office and a separate "Public Service Site" file will be kept in which the cases will be filed numerically. After the report has been approved by the district forester, the tract will be crosshatched in dark green on the tract book.

Tracts retained for recreational purposes and occupancy under the act of March 4, 1915, *supra*, will be given appropriate names and surveyed and mapped under the special instructions relative thereto in the "Instructions for Making Forest Service Surveys and Maps."

Tracts needed for public-service purposes, but which, because of their situation in a mineralized region or other reason independent of the agricultural character of the land, are liable to be located or claimed under any of the land laws of the United States applicable thereto, should be prominently posted by reserved site notices, Form 263a, but formal survey and selection, as above provided, will not be made except when specially directed by the district forester.

No consideration will be given to public-service sites in the statistical report (Form 446) unless specially directed by the Forester.

#### Sanitation.

For instructions in regard to sanitation on either administrative sites or on public-service sites see Reg. P-4, "Protection of the Public Health," page 71 in the Administrative Manual.





## BOUNDARIES.

### GENERAL.

Creation by President Authorized by Act of Congress.

The act of March 3, 1891 (26 Stat., 1095), provides:

SEC. 24. That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof.

The act of June 4, 1897 (30 Stat., 11), authorizes the President to revoke or suspend any proclamation or to reduce the area or change the boundary lines of such forests. The act further provides that the reservations—

\* \* \* shall be as far as practicable controlled and administered in accordance with the following provisions:

No public forest reservation shall be established, except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not the purpose or intent of these provisions, or of the act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein, or for agricultural purposes, than for forest purposes.

Under date of February 7, 1910, the Secretary of the Interior and the Secretary of Agriculture submitted a joint letter to the President, which was approved by him, defining more fully the character of lands contemplated by the two acts above referred to, as follows:

1. Lands wholly or in part covered with brush or other undergrowth which protects stream flow or checks erosion on the watershed of any stream important to irrigation, water power, or to the water supply of any city, town, or community, or open lands on which trees may be grown, should be retained within the National Forests, unless their permanent value under cultivation is greater than their value as a protective forest.

2. Lands wholly or in part covered with timber or undergrowth, or cut-over lands which are more valuable for the production of trees than for agricultural crops, and lands densely stocked with young trees having a prospective value greater than the value of the land for agricultural purposes, should be retained within the National Forests.

3. Lands not either wholly or in part covered with timber or undergrowth, which are located above timber line within the Forest boundary or in small bodies scattered through the Forest, making elimination impracticable, or limited areas which are necessarily included for a proper administrative boundary line, should be retained within the National Forests.

4. Lands not either wholly or in part covered with timber or undergrowth, except as provided for in the preceding paragraphs, upon which it is not expected to grow trees, should be eliminated from the National Forests.

#### **Creation Restricted in Six States.**

In an amendment to the agricultural appropriation bill approved March 4, 1907 (34 Stat., 1256), it is provided that "hereafter no forest reserve shall be created, nor shall any additions be made to one heretofore created within the limits of the States of Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by act of Congress." The act of August 24, 1912 (37 Stat., 497), adds the name of California to the list of excepted States. The power of the President to create or enlarge National Forests in other States and in the Territories remains unaffected by these acts.

#### **Temporary Withdrawals.**

Temporary withdrawals of land from entry may be made by the President under the act of June 25, 1910 (36 Stat., 847), when the creation of new Forests or additions is contemplated and a withdrawal is deemed necessary. Such withdrawals can not be made within the States of California, Colorado, Idaho, Montana, Oregon, Washington, or Wyoming, unless there is pending legislation which proposes the inclusion of the areas within a National Forest.

### **NATIONAL MONUMENTS.**

The act of June 8, 1906 (34 Stat., 225), provides for the protection of objects of historic and scientific interest on lands controlled by the Government, and authorizes the President to create, by proclamation, national monuments for their preservation. The act also authorizes the Secretary of the Interior, on behalf of the United States, to accept deeds of gift of privately owned land containing such objects.

#### **What May Be Included.**

When a national monument is created within a National Forest it is under the jurisdiction of the Forest Service. The objects which may properly be recommended for reservation under this act are cliff dwellings, pueblo ruins, ancient rock paintings, unique topographic or geologic features, historic landmarks, and groves of rare trees in danger of destruction.

#### **Cooperation in Selection.**

The Forest Service will cooperate when necessary with the Bureau of American Ethnology of the Smithsonian Institution in protecting and securing information regarding objects of historic and scientific interest located on, or near the borders of, National Forests.

#### **Not to be Listed to Homesteaders.**

No lands containing such objects will be listed under the Forest-homestead act.

### **BOUNDARY CHANGES.**

#### **Policy—Additions and Eliminations.**

Although boundary questions as a whole may be considered as fairly well settled in so far as the addition or elimination of large areas is involved, yet it is safe to assume that only in a few exceptional cases are the boundary lines definitely and finally located exactly where they can be said to include only such lands as will for all time be classed as chiefly valuable for timber growing and watershed protection purposes and to exclude all lands, with the exception of such small areas as must be retained for administrative reasons, as may for all time be classed as chiefly valuable for agriculture, mining, grazing, or other uses. As the population increases and the demand, not only upon the timber and the water resources of the National Forests, but also for lands for other uses, principally agriculture, becomes more intensive and lands of all classes acquire correspondingly higher values, it will become necessary to draw the lines more and more closely between those lands chiefly valuable for forest purposes and those lands chiefly valuable for other purposes, which it is the intent of Congress should not be withheld from private settlement and development. In the future, therefore, boundary questions concerning additions to and eliminations from National Forests, while having to do with much smaller areas than in the past, will be more difficult to determine and will involve much closer and more careful investigation of all the factors involved, many of



which will be of a highly technical nature. The classification of lands within the National Forests in order to determine the comparative values and the highest use to which they may be put should consequently become increasingly more intensive in order that the recommendations submitted may be well founded.

#### **Interforest Boundaries.**

Boundaries between adjoining Forests will generally be upon topographic lines, although legal subdivisions may be followed. They will be determined after a careful consideration of the convenience of the users, and of the suitability of the proposed boundary from the point of view of, economy in, and efficiency of, administration.

### **STATE SCHOOL LANDS—EXCHANGE.**

In furtherance of the indemnity rights of the several States under the provisions of section 2275 of the Revised Statutes of the United States, as modified by the act of February 28, 1891, cooperative agreements may be, and in several instances have been, entered into between the Department of Agriculture and the State, for the exchange of school lands within the National Forests for solid blocks of land of equal acreage and value along the borders of Forests.

### **TOWN SITES.**

Lands in National Forests embraced in valid town-site settlements, made before the withdrawal of the land and creation of the Forests, may, unless abandoned, be entered and patented under the town-site laws without regard to the period which has elapsed after their settlement or after the establishment of the Forest, and without the necessity of eliminating the town-site area from the Forest.

When it is desired to establish a town site on lands within a National Forest, a petition should be addressed to the district forester. An investigation will be made under his direction to ascertain if it is necessary and advisable to use such lands for town-site purposes. If approved an Executive order to exclude the lands may be issued to enable the applicants to proceed under the town-site laws and the regulations of the Department of the Interior.

### **PROCEDURE.**

#### **SUPERVISOR'S PROCEDURE.**

##### **EXAMINATIONS.**

The examination of Forest boundaries will be undertaken by direction of the district forester under the instruction of the supervisor in charge of the Forest concerned or, in the case of a new area, under the supervisor of the nearest Forest.

##### **Extent of Examinations.**

The examinations should not be confined strictly to the area described in letters of instruction, but must embrace all lands in the locality which are suited to National Forest purposes. The examiner will be held responsible for covering thoroughly all lands in the section to which he is assigned.

##### **Data Necessary.**

Before beginning field work the examiner should be in possession of sufficiently detailed geographic and alienated land data to enable him definitely to locate proposed boundaries and to determine in the field the title of the land.

##### **Field Work and Survey.**

The accuracy of the survey that will be necessary will depend upon the value of the land involved. If scattered additions are contemplated in heavily timbered country it may be necessary to locate and cruise each forty; on the other hand, if it is simply a question of the addition or elimination of a strip

of land whose general character is known, a much less detailed survey will ordinarily be sufficient. In every case, however, it is essential that the examiner know exactly where he is at all times in relation to the corners and lines of the public-land survey. To be sure of this, work with the compass may be necessary.

#### **Photographs.**

When it is feasible, photographs should accompany a report to illustrate not only the general characteristics of the country, but important specific points as well. Special effort should be made to secure photographs if the value of the area for forest or watershed protection purposes is at all doubtful or if the elimination of an area has been requested by petitions.

#### **MAPS.**

A map which shows land classification and a title, or status map, showing alienated lands, should be submitted with each report.

##### **Land-Classification Map.**

The land classification should be compiled on the scale that best suits the requirements of the case at hand. When a scale of 1 inch to the mile is used the map should be on atlas correction sheets (Form 979), or if only a small area is involved on inch-to-the-mile township plats. In some cases where it is desirable to show the relation of the change involved to the entire Forest it may be necessary to use a map on the scale of one-half inch to the mile. The map should show land surveys and topography in india ink. For unsurveyed lands the examiner should prepare a sketch map showing drainage and as much additional topographic data as may be practicable.

The land classification shown on the map should be in conformity with the standard Forest Service scheme.

##### **Title Map.**

The title map will consist either of a duplicate of the base map or of township plats which cover the area, and will show the different classes of alienation by distinctive colors. The map should be provided with an appropriate legend. These data should be obtained before a field examination is undertaken; they may be secured from the supervisor's office, from the district office, or from the local land office.

##### **The Boundary.**

On both the land classification and the title maps the existing forest boundary will be shown by a heavy blue-pencil line, and the recommended boundary of either additions or eliminations by a heavy red-pencil line. Whenever practicable the boundary will run on section or quarter-section lines, but where valuable timber is involved and the land is heavily alienated, it may run on 40-acre subdivisions. In a region covered by the General Land Office surveys a stream may be used for the exterior boundary only when it is shown as meandered on the official Land Office plats. In unsurveyed regions any stream may be used as an exterior boundary which has a reasonably fixed channel and flows continuously throughout the year. The alienations and the forest cover outside the recommended boundary should be shown for a distance sufficient to convince the reviewing officer that the boundary has been properly located. When the question is one of elimination these same facts should be shown inside the existing boundary. Both maps should be dated and should bear the name and title of the examiner.

#### **REPORT.**

The examiner's report should supplement the information given on the map with such detailed description of the natural features of the area in question and of the economic conditions governing its use as are necessary to confirm his recommendations.

The following outline of topics is suggested as having a bearing on boundary changes. Each should be discussed in so far as it has relation to the particular case under consideration.



**Outline.**

- (1) Location and area.
- (2) Description of topography.
- (3) Climate—its effect on forest growth and agricultural possibilities.
- (4) Forest:
  - (a) Silvicultural types.
  - (b) Amount and class of timber.
  - (c) Reproduction.
  - (d) Value as protection cover.
- (5) Fire damage.
- (6) The value of the area for power, reservoir development, and other public uses.
- (7) Settlements.
- (8) Industries:
  - (a) Agricultural.
  - (b) Grazing.
  - (c) Lumbering, etc..
- (9) Transportation, roads, and trails.
- (10) Public sentiment.
- (11) Administration.
- (12) Conclusions and recommendations. A clear recommendation for or against the change, with brief summary of reasons.

**Report Submitted to Supervisor.**

The examiner will submit to the supervisor for indorsement his report in triplicate, with two copies each of the land classification and title maps. The supervisor will forward the report in duplicate to the district forester, with one copy each of the classification and title maps, accompanied by any further statements and recommendations desired. The retained copies of the report and maps will be filed in the supervisor's office.

**Interforest Changes.**

When changes are contemplated in interforest boundaries the supervisors of the Forests affected will confer and submit a joint report and recommendation to the district forester. In case of disagreement the district forester will decide.

**Temporary Withdrawals.**

If the supervisor, either upon his own findings or upon those of a reporting officer, is convinced that a withdrawal is necessary, he will submit a brief report to the district forester covering the urgency of the situation and describing the character of the land to be withdrawn. The report should be accompanied by a plat of the area.

**National Monuments.**

Upon the discovery of an object worthy of inclusion in a national monument the supervisor will submit a detailed report to the district forester. This report should be accompanied by a tracing showing the location of the objects by legal subdivisions or by metes and bounds. When feasible, photographs also should be submitted.

## **DISTRICT OFFICE PROCEDURE.**

**Action on Reports and Maps.**

Upon receipt of reports and maps from the supervisor recommending boundary changes the district forester, if he approves the changes, will transmit the report, accompanied by classification and title map to the Forester.

**Secretary's Letter.**

Upon receipt of notice of the Forester's ratification of the boundary the district forester will prepare a letter to the Secretary of the Interior or to the President for the signature of the Secretary of Agriculture. This letter will explain the necessity for the proposed boundary change and transmit the draft of the proclamation for approval or signature. In the case of interforest boundary changes in connection with which no exterior changes are being made,

and in this case only, the letter should be addressed to the President. In the case of eliminations the letter should state whether the lands eliminated contain valuable power sites. If no information to that effect is of record, the letter should so state. Attention should also be called to administrative sites retained as isolated tracts of Forest land and to any tracts embraced within eliminated areas which are not desired longer for administrative purposes and which should be released. The original letter with two carbons should be forwarded to the Forester, and a third carbon is retained in the awaiting file.

#### **Press Notice.**

At the time the Secretary's letter is written the district forester will prepare also an undated press notice, in duplicate, on yellow paper. This should be a short statement for publication, describing the change in boundary and its need.

#### **Number of Lithographic Prints.**

It may be advisable at times to issue more or fewer lithographic prints than the regular number, depending upon the probable permanency of the boundary line as established by the proclamation. This may be done if the request is sent to the Forester before the edition is printed.

#### **Ranger Stations Retained as Isolated Tracts.**

When it is necessary to eliminate lands surrounding administrative sites whose further retention is desirable the administrative site will be retained and shown on the tracing as an isolated tract of Forest land.

#### **Recommendations for Withdrawals.**

Upon receipt of recommendations from the supervisor for the withdrawal of land under the act of June 25, 1910, the district forester will pass upon the advisability of the proposed action and, if he approves it, will prepare a Secretary's letter to the Secretary of the Interior, transmitting a draft for an Executive order and recommending that it be sent to the President for signature. When not accompanied by a tracing the Secretary's letter should state in which land district the area lies. Four copies of the Secretary's letter should be submitted.

#### **Release of Withdrawals.**

Upon receipt of notice that a proclamation has been signed establishing a National Forest, the district forester should at once determine if any lands held under temporary withdrawal in the vicinity of the National Forest should be released, and if so a recommendation to that effect should be made. This should be in the form of a Secretary's letter to the Secretary of the Interior, with three carbons, accompanied by a tracing which shows the area to be released. This tracing will, when practicable, be on special linen, crosslined on a scale of 1½ inches to the township. The letter should give the reason for the recommendation for release and should state whether or not the lands to be released embrace valuable power sites, or if the records do not disclose this fact, a statement to that effect should be inserted. The tracing should bear the title:

Proposed release near	Approved by _____,
-----National Forest.	Forester.
State _____	Release requested _____
----- Meridian.	Release order signed _____
----- Land District.	Opened to settlement _____
Area to be released _____	Open to entry _____
Recommended by _____,	Area _____
District Forester.	

#### **National Monuments.**

Upon receipt of a report recommending the creation of a national monument, the district forester will forward the report and map to the Forester with recommendations. The Forester will confer with the Bureau of Ethnology regarding the desirability of creating the monument and advise the district forester of the decision.

Upon notice of approval by the Forester of a proposed monument, the district forester will prepare the necessary Secretary letter and transmit four



copies of it to the Forester with a tracing. The tracing for monuments embracing small areas should be drawn to such a scale as will admit of its being printed on a single sheet, legal cap size, without folding.

## **WASHINGTON OFFICE PROCEDURE.**

### **Action on Petitions and Inquiries.**

Upon receipt by the Forester of petitions or letters which pertain to changes in Forest boundaries, or to the creation of national monuments, a reply will be prepared for the signature of the official to whom the communication is addressed or referred. This reply will state that the matter is referred to the district forester for consideration, and will promise further reply upon receipt of report from the district forester. A carbon copy of the letter, indorsed "Action required," with copies of the correspondence, to which it relates, will be sent to the district forester, who will prepare appropriate letters for signature of the proper official, and submit them to the Forester for transmittal.

Letters will be prepared in the Washington office only when there is already on file sufficient information upon which a reply can be based, or when an immediate reply is necessary. In such cases carbons will be sent to the district forester for his information, together with copies of the correspondence.

### **Action on Boundary Reports.**

Upon receipt of reports, and of the district forester's recommendations concerning changes in boundaries, accompanied by type and title maps, the status will be obtained, if that is desirable, and the report will be submitted to the various branch chiefs for initialing before being submitted to the Forester for final approval. The district forester and the interested persons will be informed of the decision by letter. Two colored diagrams, bearing date and showing the approved line, will be sent to the district forester and an exact copy kept in the Washington office files.

### **Preparation of Proclamations and Executive Orders.**

The texts of proclamations and Executive orders eliminating lands from National Forests will be drafted in the Interior Department. In such cases the Secretary of Agriculture will give the description of the lands to be acted upon to the Secretary of the Interior either by written description in a letter, or by an accompanying diagram, as each case warrants. The text of proclamations making only additions or interforest transfers will be drafted in the Washington office and submitted to the Solicitor for consideration.

### **Proclamation Diagrams, Requisition.**

Requisition, Forms 273 and 988, is made upon Geography for each proclamation, tracing, and photographic negative reduced to the scale of 1½ inches to the township.

### **Photographic Prints.**

Ten photographic prints are furnished, four of which are mounted on linen. Two of these mounted copies are sent to the district, one for the district's and one for the supervisor's file. The others are retained in the Washington office. Three unmounted prints are attached to the text of the proclamation and transmitted to the Secretary of the Interior.

In case of additions, a memorandum initialed by the Forester is inclosed also. This is for the files of the Interior Department, and sets forth the desirability of the addition. It is accompanied by a land-classification map.

### **Post Cards Attached.**

Two prepared postal cards are sent with the papers which go to the Secretary of the Interior; one of these is returned as a notification to the Forester that the recommended action has been taken and the proclamation submitted to the President for signature. The other goes on to the Bureau of Rolls and Library, Department of State, and is returned from that bureau as notification of the fact and date of signature by the President.

### **Announcement of Signature.**

Announcement of the signing of a proclamation will be telegraphed to the district forester; branch offices in Washington are informed by memorandum.

**Press Notice.**

The prepared press notice will be sent to the editor for release as soon as notification of the President's signature is received.

**Transfer Print and Lithographic Copies.**

After the proclamation is signed, requisition, Form 988, is made on the photographer for a transfer print and the proper number of lithographic copies of the diagram.

The State Department is furnished with 500 lithographic prints to be attached as a part of the printed proclamations. A portion of these are retained by the State Department and the remainder returned to the Forester. One hundred copies are retained in the Washington office and the balance sent in equal portions to the district forester and the supervisor concerned.

Two copies of the signed Secretary letter of transmittal, together with two copies of the proclamation or Executive order, will be sent to the district forester, one for the district and one for the supervisor's files.

**Maps Returned to District Forester.**

The land classification and title maps will be returned to the district forester for final filing.

**Eliminations Open to Settlement and Entry.**

In the case of the restoration to settlement and entry of areas eliminated two copies of the Commissioner's letter will be sent to the district forester, upon receipt of notice from the General Land Office. A yellow memorandum will be prepared for the files of the Washington office. This will bear the date upon which the eliminated areas are opened to settlement and entry.

**Action on Temporary Withdrawal.**

In the case of approved temporary withdrawals six copies of an Executive order are prepared. Three of these are transmitted to the Secretary of the Interior with the prepared Secretary letter, two copies are forwarded to the district forester for the files of the district and supervisor's offices, and one copy is retained for the Forester.

**Release.**

When land held under temporary withdrawal is recommended for release by a district forester, blue prints will be made of the tracing which accompanies the recommendation, four to be sent with the prepared Secretary letter of transmittal.

**Notice of Release Returned to District Forester.**

When the Secretary of the Interior signs and forwards the order of release to the register and receiver of the local land office the Forester is furnished a carbon of the order. The tracing is returned to the district forester, indorsed with the area, date of release order, and dates of restoration of the land to settlement and entry, together with two blue prints and two return copies of the Secretary letter. The blue prints and the copies of the letter will each bear indorsements identical with those on the tracing.

A copy of the release letter is sent by the Office of Boundaries to the Office of Status for notation on the Status records.

**National Monuments.**

The procedure followed in the creation and proclamation of national monuments is the same as that followed in boundary changes.



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# FOREST PRODUCTS.

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# FOREST PRODUCTS.

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## FIELD OF WORK.

### Purpose.

The purpose of this branch of the Forest Service is to promote the most profitable and economical utilization of forest products, for the benefit of timber owners and manufacturers throughout the United States, and to aid in the administration of the National Forests. Preference will be given to investigations related directly to improved utilization and current business on the National Forests.

## ORGANIZATION.

### Divisions.

The work of the branch falls into three divisions, each under the supervision of the assistant forester in charge: (1) Forest Products Laboratory; (2) National Forest Utilization; (3) Industrial Investigations.

## FOREST PRODUCTS LABORATORY.

### Purpose.

The field of the Forest Products Laboratory is to conduct technical studies and experiments designed primarily to add to the existing knowledge of the properties and constituents of wood and to develop, by commercial tests wherever practicable, new processes or methods of utilization having economic value.

### Direction of Technical Work.

The laboratory directs all of the strictly technical and scientific work of the Branch of Products within its field and the methods of experimental investigation employed. As far as practicable, technical investigations will be concentrated at the laboratory. Where advisable to conduct such investigations elsewhere this will be done: (1) By an expert detailed from the laboratory for the purpose and working under its immediate direction; or (2) by a local member of the Service working under the direction of the executive officer of the unit concerned, but in accordance with plans approved by the laboratory and such further supervision and inspection as the director considers necessary.

### Field of Work.

Investigations are conducted at the Forest Products Laboratory and in cooperation with wood-using industries along the following lines:

- (1) Identification of woods.
- (2) Mechanical properties of wood.
- (3) Physical characteristics and properties of wood.
- (4) Chemical characteristics and properties of wood.
- (5) Air seasoning and artificial drying of wood.
- (6) Agencies destructive to wood.
- (7) Wood preservation.
- (8) Wood distillation.
- (9) Production of naval stores.
- (10) Production of pulp and paper and other chemical products of wood.

## NATIONAL FOREST UTILIZATION.

### Purpose.

Experts in forest products are employed in the National Forest districts to assist and advise the district foresters on market and utilization problems involved in current National Forest business. Investigations conducted by such

experts will be restricted largely to those having a direct bearing upon administrative problems. Scientific studies involving technical processes or experiments will ordinarily be undertaken only when necessary as part of an investigation required for administrative purposes. Other technical investigations may be undertaken in exceptional cases to assist the Forest Products Laboratory or the Office of Industrial Investigations in their respective fields of work.

#### **Utilization of National-Forest Timber.**

It will be the duty of experts assigned to districts to investigate as completely as possible all utilization and market problems arising in the administration of National Forests. Such work should be conducted in cooperation with supervisors and other forest officers, with reconnaissance parties obtaining data on stand, species, and topography; with the district engineers in securing data on water supply and available power; and with any other officer or unit of organization in the district whose work bears on the particular investigation in hand. The aim of such investigations will be: (1) To compile all published or manuscript data obtainable bearing on the problem; (2) to secure necessary information on the physical conditions involved, as stand, species, and quality of timber, available water power, distance from shipping points, freight rates to most accessible markets, and the like; and (3) to indicate what special studies of a technical or experimental nature, if any, should be undertaken to complete the study. Such a preliminary investigation will be embodied in a report on which direct action can be taken by the district forester or assignments for further investigation made by the assistant forester in charge of the branch.

#### **Organization.**

Products experts in the several districts are under the direction of and directly responsible to the district foresters. Their relationship to the district forester is the same as that of other members of the district office staff. The district forester is responsible for the assignment of such experts to the problems which they should study and for the supervision of their work. Their duties should be correlated with those of the district office of Silviculture, and where advisable such experts may, with the approval of the assistant forester, be placed under the administrative direction of the chief of Silviculture.

#### **Field of Work.**

The field of Products experts assigned to National Forest districts embraces all investigations and problems connected with the use and marketing of National Forest timber, the construction of improvements on the Forests, and related administrative questions. The following are included:

- (1) Studies of existing industries, covering methods and costs of manufacture, grades or other specifications of manufactured products, and prices obtained for manufactured products. The collection of market prices, mill-scale studies to determine grades and overrun, and investigations of kiln-drying methods come under this heading.

- (2) Waste in existing industries and closer utilization possible through improved methods.

- (3) New uses for National Forest species through wood preservation.

- (4) Introduction of industries which will result in closer or more profitable utilization, as the manufacture of pulp and paper, wood distillation, turpentine, and the manufacture of secondary wood products.

- (5) Market prejudices against particular species or classes of material and means of overcoming them through special studies or publicity.

- (6) General questions of timber supply and demand, markets, and freight rates, which the district forester deems it advisable to study.

- (7) Advice and assistance in the construction of National Forest improvements, particularly in the use of wood preservatives.

- (8) Advice and assistance to persons in the respective districts, outside of the Forest Service, on any of the foregoing or related questions.

- (9) Preparation of publications on any subjects covered by the foregoing investigations which have marked practical or scientific value.

- (10) Demonstrations of methods or processes developed by the Forest Service for the benefit of local industries.



#### **Duties of Forest Supervisors.**

To make Products work in the National Forest districts of the greatest value it is essential that supervisors bring to the attention of the district forester any problems bearing on the foregoing or related subjects which exist on their Forests. The presence of large quantities of unmarketable species, of dead timber, or of material not used in current sales should be reported. Local problems in manufacture and marketing like sap stain, difficulties in kiln drying, market prejudices against usable material, and the effect of given silvicultural methods upon the average grades of lumber manufactured should be taken up with the Products expert at the district office. Supervisors are expected to cooperate in studies along any of these lines and in more general investigations, such as the local supply and demand for stumpage, which the district forester orders.

#### **Preservative Treatment of Material Used in Improvements.**

Forest supervisors should also bring to the attention of the district foresters their needs for assistance in applying preservative treatment to telephone poles, posts, and other material used in the construction of National Forest improvements. Important projects requiring such timbers should be discussed in advance with the Products expert in order that plans for preservative treatment may be thoroughly considered and applied if found advisable. In the discretion of the district forester, small treating plants may be constructed and operated on or near National Forests where of value to the Forests and the community. The object of such plants will be to facilitate National Forest improvements and to educate the people in the use of preservatives. Recommendations for their establishment should be made by supervisors when advisable in their judgment.

#### **Tests of Field Material.**

Material will be submitted to the Forest Products Laboratory by district foresters for special tests, and other experiments requested whenever necessary for administrative purposes, and particularly for the better utilization of National Forest timber. When such tests or experiments are not of immediate urgency, a request should be submitted to the director of the laboratory for the incorporation of the investigations proposed in the next annual program, unless the director finds it practicable to include the tests in current investigative projects. If the work desired by a district forester, however, is of immediate urgency, the request will be submitted directly to the assistant forester in charge of the branch, a copy being sent simultaneously to the director of the Forest Products Laboratory. The director will immediately submit to the assistant forester his recommendations and suggestions in the matter. The latter will then decide whether the work proposed should be given preference over the established program of investigations at the laboratory, and instruct the director and the district forester accordingly.

Material will be submitted to the Office of Industrial Investigations by district foresters for tests by manufacturers of special products outside of the district, when advisable and practicable, in accordance with plans made in advance with the chief of that office.

The cost of procuring and shipping testing material will be borne by the unit at whose instance the investigation was undertaken; by the Forest Products Laboratory when the material is required in connection with a laboratory project; by Industrial Investigations when the material is required for projects assigned to that office; and by a National Forest district when the tests are to be made as part of a technical or administrative investigation in the district.

### **INDUSTRIAL INVESTIGATIONS.**

#### **Purpose.**

The office of Industrial Investigations conducts statistical and industrial studies of uses of wood in the United States. The aim of these investigations is to determine the methods and conditions under which wood is now used, the marketable products obtained from it, tendencies in methods of manufacture, and improved methods possible particularly in the utilization of waste. When practicable such investigations will be followed by the commercial application of their results.

#### **Field of Work.**

The work of industrial investigations includes the following:

(1) Collection and compilation of statistics, in cooperation with the Bureau of the Census and other agencies, on the production and consumption of forest products, prevailing market and stumpage prices, imports and exports, and transportation rates.

(2) The compilation and study of specifications of rough and manufactured forest products.

(3) Studies of lumber manufacture and wood-using industries as to methods, forms of material, waste, costs, equipment, substitution of one species for another, and improvements through more conservative use of raw material.

(4) Advice and assistance through cooperative agreements and otherwise to other Federal bureaus and departments, States, industries, and individuals concerned with such lines of work.

#### **Duties on Eastern Forests.**

The office of Industrial Investigations will assist on market and utilization problems arising in the administration of National Forests acquired in District 7 and conduct such special investigations as may be required for this purpose. Its duties in this respect are analogous to those of Products experts in other National Forest districts.

#### **Detailed Instructions.**

Detailed methods and instructions for conducting investigations in forest products and correlating the work of different units are given in the Manual of "Instructions Relating to Forest Products."



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NOTICES OF AMENDMENTS—REGULATIONS.

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## NOTICES OF AMENDMENTS—REGULATIONS.

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### NOTICE OF AMENDMENT NO. 1.

Pages 22 and 23 G. Reg. G-9 was amended, effective April 29, 1915, by substituting on page 22, on the fourth line of the first paragraph, "40 cents to \$1.50 per head" in place of "40 to 75 cents per head"; and by inserting on page 23, sixth line, after the word "goats," "exclusive of extra charges for lambing or kidding."

### NOTICE OF AMENDMENT NO. 2.

Page 25-G. Reg. G-10 is amended, effective July 1, 1915, by substituting for the first sentence, reading "All grazing fees are payable in advance," the sentence "All grazing fees are payable thirty days in advance of the beginning of the grazing period," and by substituting for the first clause of the second paragraph, reading, "Persons who fail to pay the grazing fee before the beginning of the grazing period, etc.," the clause "Persons who fail to pay the grazing fee thirty days before the beginning of the grazing period, etc."

### NOTICE OF AMENDMENT NO. 3.

Page 41-G. Reg. G-17 is amended, effective July 1, 1915, by adding the following paragraph:

"The permit of a corporation will not be renewed if subsequent to the issuance of its former permit more than 20 per cent of the shares of its capital stock have been transferred to or purchased by any person or persons owning shares in other corporations holding grazing permits for a number of live stock which, combined with the number to be allowed in renewal of permit, will exceed the established maximum limit."

### NOTICE OF AMENDMENT NO. 4.

Page 46-G. Reg. G-18 is amended, effective July 1, 1915, by substituting for the first paragraph the following:

"Permits will be granted only for the exclusive use and benefit of the owners of the stock, and will be forfeited if sold or transferred in any manner or for any consideration. If stock grazed under permit is sold during the term of the permit, upon receipt of evidence that the sale is bona fide and the filing of a waiver of the grazing privilege, the supervisor will cancel the original permit and will issue, free of charge, an amended permit to the original permittee for the number of stock retained and a permit to the purchaser for the number of stock purchased, which will allow the grazing of such stock upon the National Forest during the remainder of the permit period. Renewal of permit to the purchaser during subsequent years will be subject to the following restrictions: "

The following is substituted for the third paragraph:

"Subject to the foregoing restrictions, a renewal of permit for stock purchased for not to exceed 90 per cent of the permittee's established grazing preference may be allowed the purchaser of stock grazed under permit and

the ranches used in connection therewith. The mere purchase of stock grazed under permit will not entitle the purchaser to share in the grazing privilege, but if the purchaser is the owner of improved ranch property which is commensurate and used in connection with the permitted stock, a renewal of permit for stock purchased may be allowed for not to exceed 80 per cent of the permittee's established grazing preference."

#### NOTICE OF AMENDMENT NO. 5.

Page 50-G. Reg. G-19 is amended, effective July 1, 1915, by inserting in the second paragraph, second line, after the word "district" the words "unless there is surplus range."

#### NOTICE OF AMENDMENT NO. 6.

Page 58-G. Reg. G-26 is amended, effective July 1, 1915, by inserting in the third line after the word "running" the word "stream", for the purpose of correcting a typographical error.

#### NOTICE OF AMENDMENT NO. 7.

Page 77-S. Reg. S-27 is amended, effective July 1, 1915, by substituting under number (4), for the words "to other branches of the Federal Government," the words: "to certain branches of the Federal Government."

#### NOTICE OF AMENDMENT NO. 8.

Pages 6-L and 7-L. Reg. L-7 is amended, effective July 1, 1915, by inserting, after the seventh paragraph of the regulation, the following:

"'Primary transmission line' means the main line or lines over which power is delivered from a power house, or generating station, at the voltage of the high tension side of the station transformers.

"'Distance of primary transmission' means the distance measured along the primary transmission line from the power house to the point of first reduction in line voltage by means of transformers";

also by omitting from line 4 of the paragraph defining "nominal stream flow" the word "not," and from line 5 the word "the," and adding, after the word "works," the words "not under permit," so that the text under (b) now reads "the streamflow made available from storage by project works not under permit"; also by inserting in line 6 of the paragraph defining "Total capacity of the power site," after the word "works," the words "under permit," so that the text under (b) now reads, "streamflow made available from storage by project works under permit";

also by adding after the words "water-conduit" in line 1, second paragraph, page 7-L, the words "or intake reservoir", so that the sentence now reads, "Whenever power projects include water-conduit or intake reservoir sites, etc."; also by inserting after the word "lands" in line 2, third paragraph, a comma, and after the word "works" in line 4 the words "under permit," so that the first sentence under (b) now reads: "Whenever power projects include reservoir sites not wholly on National Forest lands, a deduction will be made from that part of the total capacity of the power site which is due to the use of streamflow made available from storage by the project works under permit.";

also by inserting at the end of the fourth paragraph the following:

"Deductions will be made under this paragraph only when the application is accompanied by a satisfactory showing of the practicability and probability of the delivery of power to the point named and, in case of final permits, only when the application is also accompanied by complete maps and notes of survey of the proposed transmission line."



## NOTICE OF AMENDMENT NO. 9.

Page 8-L. Reg. L-S is amended, effective July 1, 1915, by inserting, in the third line of the second paragraph on the page, before the word "transmission," the word "primary", so that the statement under (2) reads "for primary transmission lines, etc."

## NOTICE OF AMENDMENT NO. 10.

Pages 13-L to 16-L. Reg. L-14 is amended, effective July 1, 1915, by substituting for paragraph (D) the following:

"(D) That except when prevented by unavoidable accidents or contingencies, the permittee will operate in good faith and as continuously as may be possible under prevailing market requirements, the project works constructed, maintained, or operated in whole or part under permit; will neither discontinue the operation of said project works nor reduce the amount of power developed or transmitted by the same at such a time or in such a manner as to reduce the output of electric energy required by the consuming public, or to increase the market price therefor, or to discriminate between consumers, or to prejudice the public interests; and, if there is discontinuance of operation or reduction in the amount of power generated or transmitted for a continuous period of more than thirty (30) days or for an aggregate period of more than ninety (90) days in any calendar year, will notify the district forester of the fact of such discontinuance or reduction, and of the reasons therefor";

also by substituting in paragraph (F), second line, for the word "conditions" the word "condition", and in the seventh line, page 14-L, for the word "ended" the word "ending";

also by inserting in paragraph (K), first line, after the word "dispose" the words "to the satisfaction of the forest officers";

and by omitting from the third line the words "as may be requested by the forest officers";

also by inserting in paragraph (M), first line, after the word "permittee." the words "and to require", and after the term "employees of contractors," second line, the words "to do everything reasonably within their power," so that the paragraph now reads: "To do everything reasonably within the power of the permittee, and to require its employees, contractors, and employees of contractors to do everything reasonably within their power, etc.";

also by inserting in paragraph (O), first line, after the word "value," the words "for all damage", so that the sentence now reads: "To pay the United States full value for all damage resulting from, etc.";

also by inserting in paragraph (T), second line, after the word "or" the word "of"; in the fifth line substituting for the words "the works" the words "such properties", and adding a comma after the word "on"; and in the seventh line omitting the words "applied for."; also by inserting in paragraph (U), sixth line, before the word "restraint" the word "unlawful"; and in the seventh line substituting for the words "sale, or distribution of electric energy or other power," the words "transmission, distribution, or sale of electric or other power."

## NOTICE OF AMENDMENT NO. 11.

Pages 18-L to 20-L. Reg. L-25 is amended, effective July 1, 1915, by substituting for paragraph (B) the following:

"(B) That except when prevented by unavoidable accidents or contingencies the grantee will operate in good faith and as continuously as may be possible under prevailing market requirements, or user's demands, the line or lines constructed, maintained, or operated in whole or in part under grant; will neither discontinue the operation of said lines nor reduce the amount of power delivered or transmitted over any transmission line at such a time or in such a manner as to reduce the amount of electric energy required by the

consuming public, or to increase the market price therefor, or to discriminate between consumers, or to prejudice the public interests; and, if there is discontinuance of operation of any line, or reduction in amount of power transmitted, for a continuous period of more than thirty (30) days or for an aggregate period of more than ninety (90) days in any calendar year, will notify the district forester of the fact of such discontinuance or reduction and of the reasons therefor";

also by inserting in paragraph (F), third line, after the word "approve," the words "which system as far as practicable will be uniform for all grantees," and in the eighth line, after the word "accepted," the words "to the extent that they furnish the necessary information," so that the whole paragraph now reads: "On demand of the Secretary to maintain a system of accounting of the entire power business, conducted in connection with the power-transmission lines under grant, in such form as the Secretary may prescribe or approve, which system as far as practicable will be uniform for all grantees, and to render annually such reports of the power business as the Secretary may direct: Provided, however, That if the laws of the State in which the power business or any part thereof is transacted require periodical reports from public utility corporations under a uniform system of accounting, copies of such reports so made will be accepted, to the extent that they furnish the necessary information, as fulfilling the requirements of this clause";

also by substituting in paragraph (G), second line, for the words "the crossing" the word "crossing", and, in the fifth line, for the second comma a semicolon. Also by inserting in paragraph (J), first line, after the word "grantee," the words "and to require its employees, contractors, and employees of contractors"; and in the second line, after the word "officers" the words "or other agents of the United States," so that the paragraph now reads: "To do everything reasonably within the power of the grantee, and to require its employees, contractors, and employees of contractors, both independently and on request of the forest officers or other agents of the United States, to prevent and suppress fires on or near the lands occupied";

also by substituting for paragraph (M) the following:

"(M) To abide by such reasonable regulation of the service to be rendered by the grantee, whether in respect to the furnishing or transmitting of power or to the transmitting of communications by telephone or telegraph, and of rates of payment therefor, as may from time to time be prescribed by the State or by any duly constituted agency of the State in which the service is rendered; but if such regulation with respect to the furnishing or transmitting of power is not exercised by the State, or by any duly constituted agency thereof, that the Secretary may upon the filing with him of formal complaint by the State, by a municipality, or by not less than twenty-five (25) customers or prospective customers of the grantee cause an inquiry to be made concerning the service or rate of payment complained of; and if it shall appear upon such inquiry that the service or the rate of payment complained of is unreasonable, the Secretary may fix the character of the service and may name the rate of payment which shall be rendered or charged."

#### NOTICE OF AMENDMENT NO. 12.

Page 46-L. Reg. L-35 is modified, effective July 1, 1915, by omitting all reference to "timber," and authorizing the use of earth, gravel, and stone for road construction outside as well as in the Forests, so that the regulation will read:

"Reg. L-35. The forest supervisor may, in his discretion, issue permits to any road district, county, person, or corporation for the free use of earth, gravel, and stone for the construction or maintenance of roads or trails when such roads or trails will be a benefit to the public."

#### NOTICE OF AMENDMENT NO. 13.

Page 47-L. Reg. L-36 was amended, effective April 22, 1915, by substituting for the last sentence the following: "No toll shall be charged for the use of



roads or trails over such lands and the same shall be open to free public use at all times unless otherwise specially authorized by the Secretary of Agriculture."

#### NOTICE OF AMENDMENT NO. 14.

Page 47-L. The National Forest Manual was amended by adding the following regulation, effective April 22, 1915, which was promulgated for carrying out the provisions of the act of March 4, 1915, relating to the use of National Forest lands for summer homes, hotels, stores, or other structures needed for recreation or public convenience:

"Reg. L-38. Term-occupancy permits under the act of March 4, 1915, may be granted by the district foresters for periods not in excess of fifteen years to responsible persons or associations desiring to occupy lands in the National Forests for the purpose of constructing thereon summer homes, hotels, stores, or other structures needed for recreation or public convenience when the contemplated improvements do not exceed \$1,000 in value. Other permits under the act will be granted by the Forester.

"All permittees will be required to comply with the regulations of the Department of Agriculture relating to the National Forest and when the permit is for a business enterprise will be required to comply with the State laws and conduct the business in an orderly manner.

"A reasonable annual rental fixed by the Forester or district forester will be charged for the use of the land occupied.

"A permit may be transferred with the approval of the officer who granted it, or his successor. Hotels and resorts may be sublet with the approval of the district forester.

"As to public-service enterprises, such as hotels and resorts, the permittee will be required to conform to such regulations respecting rates and service as the Secretary of Agriculture may make in the interests of the public."

Instructions for carrying out this regulation are given under the head "Term Occupancy Permits," page 47-L.





## NOTICE OF AMENDMENT NO. 15.

Page 83—S. Regulation S-33 is amended, effective October 1, 1915, by the omission from paragraph 1 under "Payment Will Not Be Required" of the words "or uses by noncommercial organizations for mutual benefit," so that the paragraph now reads:

"(1) For timber whose logging and sale are practicable, which is necessarily cut or destroyed and not utilized in connection with uses of a public character or noncommercial uses of equivalent benefit to the National Forest."

## NOTICE OF AMENDMENT NO. 16.

Page 50—G. Regulation G-19 is amended, effective October 1, 1915, by the substitution of the following:

"Grazing applications other than for renewal of permit will not be approved if the average number of stock per permittee upon the Forest or upon the grazing district where the stock are to be grazed is more than 20 per cent below the established protective limit number, unless there is surplus range after permits have been renewed and equitable increases granted to properly qualified permittees; or if the approval of such applications requires a total reduction upon any permit of the preceding year of more than 10 per cent in the permit of an owner of improved ranch property commensurate with the permitted stock, or more than 20 per cent in the permit of a person not owning such property.

"In providing for new class A applicants and awarding increases to small class A permittees, any surplus which may exist in the authorization will be first distributed. If this is not adequate to supply the demand, an additional number of stock not exceeding 3 per cent of the total number authorized on the Forest for the year will be made available by sliding-scale reduction on permits in excess of the established protective limit. If a Forest is fully stocked, permits to new applicants will not be issued for more than one-half the established protective limit number.

"If the average number of stock per permittee is less than the protective limit established for the Forest or the grazing district, no new permit will be issued for more than one-fourth of the protective limit number, nor will such permit be issued except for stock which will be fed during the winter from the products of the permittee's ranch.

"Upon fully stocked Forests or grazing districts, applications other than for renewal of permit will not be considered unless filed with the supervisor six months before the beginning of the grazing season.

"Persons who have sold their stock grazed under permit and signed a waiver to their preference will not be recognized as new applicants or granted increases in permit numbers for a period of three years from the date of the waiver, except as purchasers of permitted stock or unless there is unused range after all other qualified applicants have been provided for."





## NOTICE OF AMENDMENT NO. 16.

Pages 31-A and 32-A. Regulation A-8 was amended, effective October 1, 1915, by adding the following paragraph:

"Animals and animal products which cease to be needed in the work of the Forest Service may, upon the approval of the Forester or the district foresters, be sold in the open market or exchanged for other live stock, and all moneys received from the sale of such animals or animal products or as a bonus in the exchange of the same shall be deposited in the Treasury as miscellaneous receipts."

## NOTICE OF AMENDMENT NO. 17.

Page 72-S. Regulation S-22 is amended, effective January 1, 1916, by inserting in the first sentence of the first paragraph, after the words "homestead settlers and farmers", the words "for domestic use on any homestead or farm", and by omitting the second sentence, so that the paragraph will now read:

"Mature, dead, and down timber which can be cut without injury to the Forest will be sold upon application without advertisement in any desired amount to homestead settlers and farmers, for domestic use on any homestead or farm, at the actual cost of making and administering such sales. The disposal of any part of such material", etc.

## NOTICE OF AMENDMENT NO. 18.

Page 63-L. The National Forest Manual was amended by adding the following regulation, effective December 1, 1915:

"Reg. L-42. Whenever the Secretary of Agriculture shall determine that the use of any portion of the surface of the lands included in a mining location within a National Forest is required for the administration, protection, or improvement of the National Forest, and may be so used without interfering with the development of the mineral resources of such claim, such lands shall, prior to the allowance of mineral entry, be subject to use by the United States, or its permittees, for the purposes named."

## NOTICE OF AMENDMENT NO. 19.

Page 77-L. Regulation L-51 is amended, effective January 1, 1916, by inserting after the word "situated" in line 17, the words "excepting that applications for land in the National Forests of Alaska should be filed with the forest supervisor at Ketchikan, Alaska". Also by substituting the words "proper officer" in lieu of the words "district forester" in line 20. "proper officer" in lieu of the words "district forester" in line 20, so that the last three sentences of the Regulation will read: "Applications must be filed with the district forester of the district in which the tract applied for is situated, excepting that applications for land in the National Forests of Alaska should be filed with the forest supervisor at Ketchikan, Alaska. An application which is not in the form prescribed above will be returned to the applicant for completion. Priority of application will be determined by the order in which complete applications are filed with the proper officer in the form prescribed herein."





#### NOTICE OF AMENDMENT NO. 20.

Page 22-A. Regulation A-7 was amended, effective July 20, 1915, by the substitution of the following:

REG. A-7. Forest officers employing temporary laborers for National Forest work may furnish such laborers horse feed, equipment, food, articles of clothing, tobacco, and other personal supplies, the cost of same to be deducted from their wages.

#### NOTICE OF AMENDMENT NO. 21.

Page 3-T. Regulation T-1 is amended, effective April 1, 1916, as follows: Strike out all of lines 2, 3, and 4 of paragraph (A) so that it will read:

"(A) Setting on fire or causing to be set on fire any timber, brush, or grass."

Add as a new paragraph (E):

"(E) Building a camp fire on the Angeles National Forest without first obtaining a permit from a forest officer."

Change the present paragraph (E) to paragraph (F).

#### NOTICE OF AMENDMENT NO. 22.

Page 47-S. Regulation S-13 is amended, effective April 1, 1916, by substituting for the last paragraph the following:

"The Forester will approve requests for emergency sales of more than 5,000,000 feet b. m. and all applications when the sale of the total amount being advertised must be approved by him. In other cases the request will be approved by the district forester. The emergency sale agreement will be approved by the officer having authority to approve sale agreements for the total amount of timber being advertised."

#### NOTICE OF AMENDMENT NO. 23.

Page 77-S. Regulation S-27 was amended, effective January 1, 1916, by the substitution of the following:

"REG. S-27. Free use may be granted: (1) To bona fide settlers, miners, residents, and prospectors for minerals, for firewood, fencing, building, mining, prospecting, and other domestic purposes; (2) for the construction of telephone lines when necessary for the protection of National Forests from fire; (3) to certain branches of the Federal Government.

"Free use will not be granted to other parties or for other purposes, except under the provisions of Regulation S-34. Free use of material to be employed in any business, as by sawmill operators, or proprietors of stores or hotels, will be refused.

"The sale of timber or other forest products obtained under free use is prohibited."

#### NOTICE OF AMENDMENT NO. 24.

Page 78-S. Regulation S-28 was amended, effective January 1, 1916, by omitting in the fourth and fifth lines the words "or in the case of schools and road districts, churches, and noncommercial organizations of settlers," so that the Regulation will read:

"REG. S-28. The aggregate amount of free material granted annually to any user will not exceed \$20 in value, except in cases of unusual need or of dead or insect-infested timber where the removal of the restriction may be advisable for administrative reasons, when the supervisor may extend the amount to \$100."

#### NOTICE OF AMENDMENT NO. 25.

Page 83-S. Regulation S-33 was amended, effective January 1, 1916, by omitting from line 9 of Regulation, paragraph (2), the word "private," so that the paragraph will read:

"(2) For timber whose logging and sale are practicable, which is cut or destroyed and not utilized in connection with uses of a commercial character

and other uses which are not of benefit to the National Forest equal to the value of the timber."

Also by omitting from lines 13 and 14 of Regulation, paragraph (1), the words "uses of a public character," so that the paragraph will read:

"(1) For timber whose logging and sale are practicable, which is necessarily cut or destroyed and not utilized in connection with noncommercial uses of equivalent benefit to the National Forest."

#### NOTICE OF AMENDMENT NO. 26.

Page 87-S. Regulation S-34 is amended, effective April 1, 1916, by the substitution of the following:

"REG. S-34. The Forester may dispose of timber whose use or removal is necessary to protect the Forest from injury, or to improve conditions for growth, or for the construction, maintenance, or repair of roads, bridges, trails, telephone lines, and other improvements of value for the protection or administration of the Forest, or to conduct investigations, by sale, free use, or otherwise, as may be most advantageous to the United States.

"This authority may be delegated to district foresters for amounts not exceeding 30,000,000 feet board measure, and to their subordinate officers for amounts not exceeding 500,000 feet board measure when payment is to be made for the timber; and when no payment is required, for the amounts which these officers are authorized to grant under Regulation S-30."

#### NOTICE OF AMENDMENT NO. 27.

Page 45-L. Regulation L-31 is modified, effective April 1, 1916, by substituting for the present text the following:

"REG. L-31. All uses of National Forest lands and resources except those specifically provided for in regulations governing water power, timber sales, timber settlement, the free use of timber, and grazing, will be designated 'Special use.' Permits for special uses, except for the excavation of antiquities under the act of June 8, 1906, and except for the lease of lands under the act of February 28, 1899, and the use of land under the act of March 4, 1915, may be granted, extended, and renewed by the Forester, the district forester, or the forest supervisor, with such conditions as to area, time, charges, and other requirements as may be provided for by these regulations or as may be deemed necessary to protect the National Forests. Permits for the excavation of antiquities under the act of June 8, 1906, and for the lease of lands under the act of February 28, 1899, will be granted by the Secretary of Agriculture only. Permits for the use of lands under the act of March 4, 1915, will be granted by the Forester or district forester only. Special-use permits granted by the forest supervisor may be revoked by the district forester. Those granted by the district forester may be revoked by the Forester and those granted by the Forester and Secretary of Agriculture may be revoked by the Secretary of Agriculture only. Appeal will lie in the first instance to the district forester, from his decision to the Forester, and from his decision to the Secretary of Agriculture, in all matters covered by these special-use regulations."

#### NOTICE OF AMENDMENT NO 28.

Page 45-L. Regulation L-32 is amended, effective April 1, 1916, as follows: Substitute for paragraph (d):

"(d) Cabins for use of miners, prospectors, stockmen in connection with grazing permits, trappers of predatory animals exclusively, and other permittees for temporary use in connection with other authorized uses, provided that stockmen's cabins used during the entire year as headquarter ranches will be classified as residences and charged for accordingly."

Substitute for paragraph (e):

"(e) Corrals, stock tanks, drift fences, and stock shelters in connection with grazing permits, or use by exempt stock."

Substitute for paragraph (i):

"(i) Conduits, dams, reservoirs, pumping stations, or any water-development project for watering stock, irrigation, mining, municipal or domestic water supplies."



Substitute for paragraph (k) :

"(k) Logging railroads, flumes, tramways, inclosures, and other improvements necessary to the manufacture of timber obtained principally from the National Forests."

Add the following three new paragraphs:

"(o) Sewage systems."

"(p) Fish hatcheries of a noncommercial nature."

"(q) Camp-fire permits (on Forests where required)."

#### NOTICE OF AMENDMENT NO. 29.

Page 46-L. Regulation L-33 is amended, effective April 1, 1916, by substituting a new rate table for the present one, and for the first two paragraphs under the table the following:

"Within the rates established herein the forest supervisor will ordinarily determine the rate to be charged in each case, but, in certain instances, as with 'garages,' 'dipping vats,' etc., where the phrase 'and up' indicates a possible greater charge, a higher rate may be imposed for privileges of exceptionally great value."

Also, by substituting for the last paragraph the following:

"In case of sale of improvements and reissuance or transfer of permit to the purchaser, any payments made upon the original permit may apply on the new permit, in the discretion of the forest officer issuing the permit."

#### NOTICE OF AMENDMENT NO. 30.

Page 47-L. Regulation L-36 is modified, effective April 1, 1916, by substituting for the present text the following:

"REG. L-36. Roads over National Forest lands may be constructed, changed, widened, or repaired by States or counties without permit, but the authorities constructing such roads must dispose of all inflammable debris resulting from construction or maintenance as directed by the forest officers. With this exception, permits are necessary for the construction of all roads over such lands. Existing roads, not maintained by either State or county may be repaired without permit. Trails may be constructed without formal permit if done with the consent and under the supervision of a forest officer, except that in the National Forests in Alaska such consent and supervision will not be required. No toll shall be charged for the use of roads or trails over such lands, and the same shall be open to free public use at all times unless otherwise specifically authorized by the Secretary of Agriculture."

#### NOTICE OF AMENDMENT NO 31.

Page 47-L. Regulation L-38 is amended, effective April 1, 1916, by striking out in the first line of the first paragraph the word "occupancy," and changing the amount in the sixth line from "\$1,000 to "\$2,500," so that the paragraph will read:

"REG. L-38. Term permits under the act of March 4, 1915, may be granted by the district foresters for periods not in excess of fifteen years to responsible persons or associations desiring to occupy lands in the National Forests for the purpose of constructing thereon summer homes, hotels, stores, or other structures needed for recreation or public convenience when the contemplated improvements do not exceed \$2,500 in value. Other permits under the act will be granted by the Forester."





#### NOTICE OF AMENDMENT NO. 32.

Page 22-A. Regulation A-5 is amended, effective July 1, 1916, by omitting from the first line the word "Maximum" and by inserting two new sentences, after the word stations in the eighth line, as follows:

He may also authorize reimbursement for subsistence supplies taken from the larder of officers or employees located in isolated sections, for use on pack trips, when it is impracticable to procure such supplies from a merchant. In such cases subvouchers will not be required, but an itemized statement of the quantity, kind and cost of the articles used, and the period covered by their use, must be placed upon the reimbursement account.

#### NOTICE OF AMENDMENT NO. 33.

Page 11-G. Regulation G-3 is amended, effective July 1, 1916, by transposing the second and third paragraphs, and by omitting from the present second paragraph, second line, the words "representing a majority of the permits to be affected," so that the paragraph will read:

"Upon request from and with the approval of an officially recognized advisory board the district forester may establish special rules to regulate the use and occupancy of the range," etc.

The present third paragraph is amended to read:

When an association represents only a minority of the permittees owning any class of live stock, but its members own 75 per cent of that class of live stock using the range, upon petition of a sufficient number of the other owners to constitute a majority of all the grazing permittees affected, its advisory board may be recognized by the district forester.

The word "kind" in the second line of the fifth paragraph is changed to "class."

#### NOTICE OF AMENDMENT NO. 34.

Page 14-G. Regulation G-4 is amended, effective July 1, 1916, by substituting in the third line the words "for which they are recognized" for the words "occupied by their members" so that the first sentence of the regulation will read:

Live-stock associations which have received official recognition from the Forest Service may be granted permits to construct, upon the ranges for which they are recognized, corrals, drift and division fences, roads, trails, sources of water supply, and other forms of permanent improvement designed to protect the Forest lands or to facilitate the handling of permitted stock.

#### NOTICE OF AMENDMENT NO. 35.

Page 20-G. Regulation G-8 is amended, effective July 1, 1916, by substituting "and" for the word "or" in the third line of the regulation.

Add the following as a new paragraph to the regulation:

The Forester in his discretion may issue the above permits free of charge or may establish a charge for crossing privileges.

#### NOTICE OF AMENDMENT NO. 36.

Page 22-G. Regulation G-9 is amended, effective July 1, 1916, by adding after the word "regulations" at the end of the second line "or in cases in which the Forester may determine that the interests of the United States will be best subserved by permitting free grazing," so that the first paragraph of the regulation will read:

A reasonable fee will be charged for grazing all kinds of live stock on National Forests, except as otherwise provided in these regulations or in cases in which the Forester may determine that the interests of the United States will be best subserved by permitting free grazing. The rates will be based upon the yearlong rate for cattle, which will be from 40 cents to \$1.50 per head, depending upon the advantage and the locality of the Forest.

July 1, 1916.

(REGULATIONS—AMENDMENTS—17)

## NOTICE OF AMENDMENT NO. 37.

Page 50-G. Regulation G-19 is amended, effective July 1, 1916, by adding after the word "exist" in the second line of the second paragraph the words "on account of transfers or abandoned privileges or," so that the first sentence of this paragraph will read:

In providing for new Class A applicants and awarding increases to small Class A permittees, any surplus which may exist on account of transfers or abandoned privileges or in the authorization will be first distributed.

## NOTICE OF AMENDMENT NO. 38.

Page 62-G. Regulation G-30 is amended, effective July 1, 1916, by substituting for the last sentence the following:

Forest officers and employees are prohibited from accepting bounties offered for the destruction of predatory animals and also from receiving fees or parts of fees on account of the enforcement of State game laws.

July 1, 1916.

(REGULATIONS—AMENDMENTS—18)



## NOTICE OF AMENDMENT NO. 39.

Page 59-S. Regulation S-18 is amended, effective October 1, 1916, by substituting for the third paragraph the following:

**The cubic volume rule and the Scribner Decimal C log rule, both as used by the Forest Service, are the official rules for scaling National Forest timber.**





#### NOTICE OF AMENDMENT NO. 40.

Page 21-A. Regulation A-4 was amended, effective July 1, 1916, by substituting the following for the present text:

REG. A-4. Forest officers or employees of any grade or salary regularly assigned to field duty on the National Forests may, in the discretion of the district forester, be required to furnish and equip at their own expense saddle and other animals necessary for their personal transportation in the performance of official travel. Feed for animals so furnished will be provided in whole or in part by the Forest Service, as may be deemed equitable by the Forester, either by purchase of or by growing such feed on National Forest lands at Government expense. The number of animals required and the period during which such animals are to be subsisted, in whole or in part, at Government expense shall be fixed by the district forester, and during such periods the animals so subsisted must be reserved for the official use of the officer or employee concerned. Extra animals and equipment for private or domestic use may be kept on the Forest without expense to the Forest Service. If such animals or equipment are rented by the Government for the performance of official work, the voucher covering payment must carry a certificate that the animals are not subsisted on forage purchased by the Government, but otherwise shall be subject to the conditions attached to any privately owned property hired for Government use. When authorized by the district forester, a motor-driven vehicle, such as a motor cycle or automobile, may be used by a forest officer in lieu of saddle horses or other animals in the performance of his official duties, and in such case gasoline, oil, and carbide for motor cycles or automobiles so used will be furnished in whole or in part, or an allowance fixed by the district forester will be made of not to exceed 2 cents per mile for motor cycles, or not to exceed from 5 to 8 cents per mile for automobiles, for distances traveled in the performance of official duties. Such allowance must not exceed the actual cost of operation of such motor cycles or automobiles.

#### NOTICE OF AMENDMENT NO. 41.

Page 22 A. Regulation 5-A is amended, effective January 1, 1917, by substituting the following for the third, fourth, and fifth sentences:

He may also authorize a fixed per diem in lieu of subsistence, not in any case to exceed \$1.05, exclusive of lodging, when the subsistence supplies used on pack trips are furnished by the employee himself: Provided, That the per diem allowance in lieu of subsistence and the actual expense incurred for lodging shall not exceed \$4 per day. In computing the per diem for fractional parts of a day, one-third of the amount of per diem authorized shall be allowed for each meal. This authority may be delegated, if necessary, to the district foresters and forest supervisors.

#### NOTICE OF AMENDMENT NO. 42.

Pages 14-G and 15-G. Regulation G-4 is amended, effective January 1, 1917, by inserting after the word "construct" in line 2 the words "and maintain," and also by inserting after the word "Government" in the seventh line, the words "except free-use material," so that the first two sentences will read:

REG. G-4. Live-stock associations which have received official recognition from the Forest Service may be granted permits to construct and maintain upon the ranges for which they are recognized, corrals, drift and division fences, roads, trails, sources of water supply, and other forms of permanent improvement designed to protect the Forest lands or to facilitate the handling of permitted stock. In cases where the total cost of construction is met by the association, no part being contributed by the Government, except free-use material, the district forester may, in his discretion, stipulate and agree in the permit, etc.

Also by striking out the last sentence of the regulation and by inserting as a second paragraph the following:

Permits for the use and maintenance of range improvements which are the property of the Government may be granted recognized live-stock associations. All permittees using range controlled or benefited by such improvements will be required to pay into the treasury of the association their annual pro rata share of the cost of maintenance during the period such permit is in effect. Compliance with this requirement will be made a condition to the issuance of the grazing permit. Stock which is exempted from permit by the regulations will not be subject to assessment under this regulation.

#### NOTICE OF AMENDMENT NO. 43.

Page 19-G. Regulation G-7 is amended, effective January 1, 1917, by adding in line 3 of the second paragraph after the word "lease" the words "or other satisfactory evidence," so that the paragraph will read:

The application must be accompanied by a personal certificate of title showing the description and ownership of the land, and, if leased from an owner, a copy of the lease or other satisfactory evidence, and must state the number and kind of stock permit is desired for, the range which it is desired to occupy, and the period during which the stock will remain upon the Forest. Permits will be subject to the same restrictions regarding the use of the range as permits issued under other regulations.

#### NOTICE OF AMENDMENT NO. 44.

Page 25-G. Regulation G-10 is amended, effective January 1, 1917, by adding in line 2 after the word "period" the words "unless otherwise authorized by the Secretary of Agriculture" so that the first sentence will read:

All grazing fees are payable 30 days in advance of the beginning of the grazing period, unless otherwise authorized by the Secretary of Agriculture.

#### NOTICE OF AMENDMENT NO. 45.

Page 26-G. Regulation G-11 is amended, effective January 1, 1917, by omitting from the first line the words "not" and "except," and by adding a new paragraph so that the regulation will read:

Reg. G-11. Grazing fees will be refunded for nonuse of the permit when, in the opinion of the district forester, the applicant is prevented from using the range by circumstances over which he has no control, or his range is trespassed upon, or renewal of permit is allowed to a purchaser of the stock.

In the discretion of the district forester, refunds may also be granted in cases where after payment has been made the permittee for some reasonable cause does not use the range and the demand for grazing privileges makes it advisable to reallocate the range to another applicant.

#### NOTICE OF AMENDMENT NO. 46.

Page 28-G. Regulation G-12 is amended, effective January 1, 1917, by substituting the following for the first sentence:

The supervisor will give public notice each year of a date on or before which all applications for grazing must be presented to him.

#### NOTICE OF AMENDMENT NO. 47.

Page 32-G. Regulation G-14 is amended, effective January 1, 1917, by striking out in the fourth line the words "within or near the Forest" and from the 11th and 12th lines the words "located within or adjacent to the Forest," and by adding as a second paragraph the following:

All stock grazed under paid permit on a National Forest must be actually owned by the permittee at the time the animals enter the Forest and during the entire time they are grazed there.

#### NOTICE OF AMENDMENT NO. 48.

Page 36-G. Regulation G-15 is amended, effective January 1, 1917, by striking out in lines 1 and 2 of paragraph 3 the words "within or near a National Forest;" by striking out in line 2 of paragraph 4 the words "within or near a National Forest;" by striking out in line 2 of paragraph 5 the words "within or near a National Forest;" and by striking out in lines 3 and 4 of paragraph 6 the words "living either within or adjacent to the National Forest."



#### NOTICE OF AMENDMENT NO. 49.

**Page 40-G.** Regulation G-16 is amended, effective January 1, 1917, by adding the words "or through three years' use of temporary permits" at the end of the first paragraph, and by changing the citation in parentheses from (See Reg. G-18) to "(See Regs. G-14 and G-18.)," so that the last sentence will read:

Permits for numbers of stock in excess of the protective limits will be subject to necessary sliding scale or other reductions and will not be subject to increase in number except through purchase of stock and ranches of other permittees, or through three years' use of temporary permits. (See Regs. G-14 and G-18.)

#### NOTICE OF AMENDMENT NO. 50.

**Pages 52-G and 52-G<sup>1</sup>.** Regulation G-20 is amended, effective January 1, 1917, by adding in line 5 after the words "may be" the words "reduced or," and in line 9 after the words "not be" the words "reduced or," and by substituting the word "action" for the words "revocation of permit" in line 9; also by adding in line 1 on page 52-G<sup>1</sup> after the words "may be" the words "reduced or," also by adding at the end of the paragraph "(See Reg. G-28, p. 59-G)," so that the second and third sentences will read:

Permits may be reduced or revoked for breach of the terms of the grazing application or permit or of the rules and regulations, provided that the breach thereof is clearly established after the permittee has been afforded a reasonable opportunity to show cause why the permit should not be reduced or revoked, and that the action is approved by the district assistant to the solicitor, but they may be reduced or revoked only by an official superior of the issuing officer or in the following general order: Forest rangers' permits by the forest supervisor, forest supervisors' permits by the district forester, district foresters' permits by the Forester. (See Reg. G-28, p. 59-G.)

#### NOTICE OF AMENDMENT NO. 51.

**Page 58-G.** Regulation G-26 is amended, effective January 1, 1917, by substituting in line 1 the word "three" for the word "six" so that the regulation will read:

Reg G-26. Sheep and goats must not be bedded more than three nights in succession in the same place, except when bedding bands of ewes during the lambing season; and must not be bedded within 300 yards of any running stream or living spring, except in rare cases where this restriction is clearly impracticable.

#### NOTICE OF AMENDMENT NO. 52.

**Page 46-L.** Regulation L-33 is amended, effective December 15, 1916, by substituting the following for the first paragraph:

**Reg. L-33.** The occupancy and use of National Forest land or resources under a special-use permit, except as provided in Regulation L-32, shall, unless otherwise authorized by the Secretary of Agriculture, be conditioned upon the payment of a charge. The following rates of charge shall be observed for the classes of uses stated, but for other classes the rates may be determined by the district forester.

Also by striking out the word "Minimum" in the center heading of the table of rates; inserting the word "not" just before the word "less" in the sixth item of the column headed "Minimum rates per annum;" striking out the words " $\frac{1}{4}$  to 5 acres, depending on local conditions" in the ninth item of the column headed "Explanation."

Also by striking out the second paragraph under the table, and by substituting the following for the last paragraph:

In cases of transfer or reissuance of a permit, any payments made upon the original permit may apply on the new permit, in the discretion of the forest officer issuing the permit.





#### NOTICE OF AMENDMENT NO. 53.

Page 54-S. Regulation S-15 is amended, effective April 1, 1917, by substituting for the last paragraph the following:

Cancellations of the second and third class will be made only upon the application or with the consent of the purchaser. Cancellations of the first class will be made by the district forester if the amount of the sale was not more than 3,000,000 feet board measure, or its equivalent, and by the Forester if the amount exceeds 3,000,000 feet. Cancellations of the second class will be made by the officer who approved the original agreement if the remaining timber is to be resold immediately under equally or more advantageous terms; otherwise cancellations of the second class will be made as in cancellations of the first class. Cancellations of the third class will be made only by the Forester.

#### NOTICE OF AMENDMENT NO. 54.

Page 4-G. Regulation G-1 is amended, effective April 1, 1917, by striking out in the first line the words "each year" so that the first sentence will read:

REG. G-1. The Secretary of Agriculture will prescribe the number of stock to be allowed in each National Forest, and will authorize the approval of applications for permits during periods of one or more years, but revocable at any time within his discretion.

#### NOTICE OF AMENDMENT NO. 55.

Page 16-G.<sup>2</sup> Regulation G-5 is amended, effective April 1, 1917, by substituting the following for the last sentence of the regulation:

Milch, work, or other animals used for domestic purposes not exceeding a total of 10 head owned and in use by bona fide settlers residing in or near a National Forest require no permit.

#### NOTICE OF AMENDMENT NO. 56.

Page 22-G. Regulation G-9 is amended, effective April 1, 1917, by substituting the following for the first two paragraphs:

REG. G-9. A reasonable fee will be charged for grazing all kinds of live stock on National Forests, except as otherwise provided in these regulations, or in cases in which the Forester may determine that the interests of the United States will be best subserved by permitting free grazing unless otherwise authorized by the Secretary of Agriculture, the following rates will be charged. The rates will be based upon the yearlong rate for cattle, which will be from 60 cents to \$1.50 per head, depending upon the advantage and the locality of the Forest. The yearlong rates for horses will be 25 per cent more and the yearlong rates for swine 25 per cent less than the rate for cattle. The yearlong rate for sheep and goats will be 25 per cent of the yearlong rate for cattle.

#### NOTICE OF AMENDMENT NO. 57.

Page 77-L. Regulation L-52 is amended, effective January 1, 1917, by the addition of the following:

Only one application for a tract of land will be recorded. If the applicant subsequently withdraws his application the land will nevertheless be examined, and if found listable will be opened to entry without naming a preferred applicant. No applications will be accepted for lands included in a classification project after work on the project has begun, but all lands in the project will be examined and all listable areas will be recommended for restoration to entry at the earliest practicable date.

April 1, 1917.

(REGULATIONS—AMENDMENTS 25.)

## NOTICE OF AMENDMENT NO. 58.

Page 21-A. Regulation A-4 is amended, effective April 30, 1917, by substituting for the present text the following:

REG. A-4. Forest officers or employees of any grade or salary regularly assigned to field duty on the National Forests may, in the discretion of the district forester, be required to furnish and keep at their own expense saddle and other animals necessary for their personal transportation in the performance of official travel. Feed for animals so furnished will be provided, in whole or in part, by the Forest Service, as may be deemed equitable by the Forester, either by purchase of such feed or by growing it on the National Forest lands at Government expense. The number of animals required and the period during which such animals are to be subsisted, in whole or in part, at Government expense shall be fixed by the district forester. When advantageous to the United States, forest officers who are required to own and equip saddle and other animals, may, under such restrictions as may be prescribed by the Forester, hire such animals for official use to other forest officers having authorizations entitling them to reimbursement for such hire when the animals will not be needed by the owners for their personal transportation in the performance of official travel during the period for which they are to be hired. Extra animals and equipment for private or domestic use may be kept on the Forest without expense to the Government.

## NOTICE OF AMENDMENT NO. 59.

Page 22-A. The following, Regulation A-4a, is added, effective April 30, 1917:

### Motor-Propelled Vehicles.

REG. A-4a. The district foresters are authorized to enter into agreements to rent, for periods specified therein, for any official work that may be required in the Forest Service, motor-propelled vehicles including those that may be owned by other forest officers or employees, and to agree to pay a rental for the distance a machine may be used on official business at a rate fixed in the agreement, not exceeding 2 cents a mile for a motorcycle or 6 cents a mile for an automobile. Such agreements must be made in advance and may be made to cover such use as may be required of the vehicle during the fiscal year, subject to cancellation at any time at the option of the Government. Nothing in this regulation shall prevent the hiring of motor-propelled vehicles for single trips at prevailing rates.

## NOTICE OF AMENDMENT NO. 60.

Page 13-T. Regulation T-8 is amended, effective July 1, 1917, by substituting for the present regulation the following:

REG. T-8. The district foresters are authorized to settle innocent or unintentional fire, timber, grazing, occupancy, and property trespasses involving claims for not more than \$500, and to settle willful timber and grazing trespasses in which legal proceedings are unnecessary, involving claims for not more than \$500 and \$100, respectively. The Forester will settle all innocent or unintentional trespasses which involve more than \$500 and all willful timber and grazing trespasses in which the estimated damages exceed \$500 and \$100, respectively, but not more than \$5,000. If the estimated damages exceed \$5,000 in any case, settlement will be effected by the Secretary of Agriculture.

## NOTICE OF AMENDMENT NO. 61.

Page 39-G. Regulation G-16 is amended, effective July 1, 1917, by adding the following after the first sentence in the second paragraph:

Unless otherwise authorized by the district forester such maximum limits, when established, will apply with equal force and effect to permits covering live stock, the possession of which may be transferred to any person, firm, or corporation under a lease, option, or a contract to purchase, or other form of agreement, and no such person, firm, or corporation shall be allowed to graze upon the Forest a number of permitted stock in excess of the established maximum limit.

July 1, 1917,

(REGULATIONS—AMENDMENTS—26.)



## NOTICE OF AMENDMENT NO. 62.

Page 42-A. The National Forest Manual was amended, effective August 1, 1917, by adding the following regulation just before the caption "Official Correspondence":

### Uniforms.

REG. A-12. Forest officers and employees assigned to field duty may be required, under such conditions as the Forester may prescribe, to furnish at their own expense clothing of standard design and materials for their personal use in the performance of official duty.

## NOTICE OF AMENDMENT No. 63.

Page 78-L. Regulation L-53 is amended, effective October 1, 1917, by substituting the following for the last paragraph of the Regulation:

In the interest of equal opportunity, and to prevent favoritism or the possible misuse by forest officers of official information regarding newly established evidence, changes in policy, or newly discovered errors in survey, no application for land which has been classified and segregated as nonlistable will be recorded or given a preference right except as hereinafter provided. Where evidence is presented by anyone, sufficient to raise a reasonable doubt of the correctness of such classification, a reexamination will be ordered, and if the land is found to be chiefly valuable for agriculture and not needed for public purposes it will be listed for homestead entry without a preferred applicant being named, unless, in the opinion of the Secretary of Agriculture, the naming of a preferred applicant is necessary to protect substantial equities. In the absence of such substantial equities appeals for personal preference will not be considered.





## NOTICE OF AMENDMENT NO. 64.

Page 3-T. Regulation T-1 is amended, effective January 1, 1918, by adding the following as the last paragraph of the Regulation:

(G) Disturbing, molesting, interfering with by intimidation, threats, assault, or otherwise, any person engaged in the protection and preservation of the forests from destruction, including fire fighting, cutting and removing dead, insect-infested, or diseased timber, clearing the land of inflammable material of any kind, or doing, or making preparation to do, these or other acts necessary for the protection and preservation of a National Forest.

## NOTICE OF AMENDMENT NO. 65.

Page 45-S. Regulation S-12 was amended, effective October 1, 1917, by substituting the following paragraphs for the first two paragraphs of the Regulation:

REG. S-12. No timber shall be cut under any sale contract until it has been paid for except on the Minnesota National Forest where, until the appraisal provided for by the act of May 23, 1908 (35 Stat., 268), has been made, cutting but not removal may precede payment by not more than 40 days. A deposit must accompany every bid for advertised timber.

Except as to moneys received for timber on the Minnesota National Forest prior to the above-mentioned appraisal refunds may, in the discretion of the Forester or district forester, be made to depositors or to their legal representatives of sums deposited in excess of amounts actually due the United States. Refunds or payments may also be made to the rightful claimants of sums erroneously collected for timber or other forest products.

## NOTICE OF AMENDMENT NO. 66.

Page 22-A. Regulation A-5 is amended, in accordance with the Secretary's Memorandum No. 219 of October 3, 1917, by striking out the last three sentences of the Regulation, beginning with the words "He may also authorize," etc.

## NOTICE OF AMENDMENT No. 67.

Page 82-S. Regulation S-32 is amended, effective April 1, 1918, by substituting for the present regulation the following:

REG. S-32. Bona fide settlers, miners, residents, and prospectors for minerals in Alaska may take free of charge green or dry timber from the National Forests in Alaska for personal use but not for sale. Permits will be required for green sawtimber. Other material may be taken without permit. The amount of material granted to any one person in one year shall not exceed 10,000 board feet of sawtimber and 25 cords of wood, or an equivalent volume in other forms. Persons obtaining material shall on demand forward to the supervisor a statement of the quantity taken and the location from which it was removed.





### NOTICE OF AMENDMENT NO. 68.

**Page 3-T.** Regulation T-1 is amended, effective March 15, 1918, by changing paragraph (E) to read as follows:

**(E) Building a camp fire on the Angeles National Forest and those portions of the Cleveland and Santa Barbara National Forests which have been designated by the respective supervisors thereof without first obtaining a permit from a forest officer.**

### NOTICE OF AMENDMENT NO. 69.

**Page 3-T.** Regulation T-2 is amended, effective April 2, 1918, by striking out in the first line of the second paragraph the figures 250 and inserting the figures 500 and striking out the figures 50 and inserting the figures 100. Also by striking out in the first line of the third paragraph the figures 100 and inserting the figures 300.

### NOTICE OF AMENDMENT NO. 70.

**Page 16-G.** Regulation G-4 is amended, effective July 1, 1918, by adding "Unless otherwise authorized by the Secretary of Agriculture," at the beginning of the second sentence of the regulation.

### NOTICE OF AMENDMENT NO. 71.

**Page 28-G.** Regulation G-13 is amended, effective July 1, 1918, by adding the following as the last paragraph of the regulation:

**Under the same authority any permittee may be required to submit for inspection all books, papers, and records pertaining to the purchase, sale, or ownership of any live stock grazed under permit or for which an application is filed for a permit by any individual, partnership, or corporation. Such information shall be considered as confidential unless the interests of the United States require its use in court proceedings.**

### NOTICE OF AMENDMENT NO. 72.

**Page 32-G.** Regulation G-14 is amended, effective July 1, 1918, by striking out the word "and" between the words "property" and "commensurate" in the eleventh line of the first paragraph.

Also by adding as a second sentence to the last paragraph of the regulation the following: "This shall also apply to stockholders of any corporation not itself the holder of a grazing permit, but which owns or acquires shares of stock in another corporation holding a grazing permit."

### NOTICE OF AMENDMENT NO. 73.

**Page 41-G.** Regulation G-17 is amended, effective July 1, 1918, by substituting the following for the third paragraph of the regulation:

**The permit of a corporation will not be renewed if more than 20 per cent of the shares of its capital stock have been transferred or purchased by any person or persons holding grazing privileges or owning shares in other corporations which either hold a grazing permit or own or hold shares of stock in another corporation holding grazing permits for a number of live stock which, combined with a number to be allowed in renewal of permit, will exceed the established maximum limit.**

Also by inserting the following as a fourth paragraph under the regulation:

**The Forester may authorize the insertion in permits of stipulations, special rules, or other requirements which may be deemed necessary and proper for the protection or administration of the Forests.**

### NOTICE OF AMENDMENT NO. 74.

**Page 49-G.** Regulation G-19 is amended, effective July 1, 1918, by substituting three new paragraphs for the present first, second, and fourth paragraphs.

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STATE OF MICHIGAN, )  
COUNTY OF )  
SS: I, )  
CLERK OF )  
SAY: )  
GIVEN UNDER MY HAND AND SEAL OF )  
OFFICE, )  
THIS ) DAY OF )  
A.D. 19 )

## JOURNAL OF MANAGEMENT INQUIRY 23(1)

SAVED BY THE BELLWORK



#### NOTICE OF AMENDMENT NO. 75.

**Page 78-S.** The Silviculture Section of the National Forest Manual is amended, effective October 1, 1918, by adding a new regulation relating to the free use of timber needed for war purposes. This regulation is numbered S-28a.

#### NOTICE OF AMENDMENT NO. 76.

**Page 49-G.** Regulation G-19 is amended, effective October 15, 1918, by striking out all of the fourth paragraph.

#### NOTICE OF AMENDMENT NO. 77.

**Page 13-T.** The Trespass Section of the National Forest Manual is amended, effective October 1, 1918, by the addition of the following regulation:

##### HUNTING AND FISHING TRESPASS.

**REG. T-7a.** The going or being upon any land of the United States, or in or on the waters thereof, within a National Forest, with intent to hunt, catch, trap, willfully disturb or kill any kind of game animal, game or non-game bird, or fish, or to take the eggs of any such bird, in violation of the laws of the State in which such land or waters are situated, is hereby prohibited.

#### NOTICE OF AMENDMENT NO. 78.

**Page 62-G.** Regulation G-30 is amended, effective October 1, 1918, by striking out of the first and second lines the words "as far as they can without undue interference with their regular Forest work," and by adding the following as a second paragraph to the regulation:

It is the duty of all forest officers to enforce the provisions of Regulation T-7a, which prohibits the use of, or travel on, National Forest land for unlawful hunting or fishing.

#### NOTICE OF AMENDMENT NO. 79.

**Page 22-A.** Regulation A-4a is amended, effective October 1, 1918, by substituting the wording of the Secretary's Memorandum 252 for the present regulation.

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#### NOTICE OF AMENDMENT NO. 80.

**Page 16-G.** Regulation G-4 is amended, effective February 15, 1919, by adding the following as a third sentence to the first paragraph of the regulation:

When approved by the district forester in advance of construction and subject to the general conditions of this regulation, the above procedure may be followed in reference to improvements to be built by a permittee upon an individual or separate allotment, and permittees who are subsequently allowed to use the range benefited thereby may be required to pay to the permittee who erected the improvements their proportionate share of the cost of such improvement.

#### NOTICE OF AMENDMENT NO. 81.

**Page 16-G.<sup>2</sup>** Regulation G-5 is amended, effective February 1, 1919, by adding the words "Unless otherwise authorized by the Secretary of Agriculture" at the beginning of the regulation.

#### NOTICE OF AMENDMENT NO. 82.

**Page 28-G.** Regulation G-13 is amended, effective January 1, 1919, by adding two new paragraphs at the beginning of the regulation. Also by adding the word "All" just before the word "applications" at the beginning of the first line of the present first paragraph.

#### NOTICE OF AMENDMENT NO. 83.

**Page 32-G.** Regulation G-14 is amended, effective February 1, 1919, by striking out the last sentence of the first paragraph and by adding as paragraph 2 the following:

After three years' use of surplus range under temporary permit an owner of ranch property commensurate with the stock may, within the discretion of the district forester, be allowed permanent renewal within the maximum limits upon the basis of regular use and occupancy.

#### NOTICE OF AMENDMENT NO. 84.

**Page 41-G.** Regulation G-17 is amended, effective April 1, 1919, by substituting the following paragraph for the third paragraph of the regulation:

In renewing a permit to a corporation, a reduction will be made of the number of stock by which the combined permits exceed the maximum limit, if subsequently to the issuance of its last permit more than 20 per cent of its capital stock has been transferred to or purchased by any person, persons, firm, company, association, or corporation holding one or more permits, or interested therein in any manner, as through ownership of shares of stock in any company, association, or corporation holding such permit or permits for a number of stock which, combined with the number applied for, will exceed the maximum limit.

#### NOTICE OF AMENDMENT NO. 85.

**Page 46-G.** Regulation G-18 is amended, effective January 1, 1919, by striking out the word "permit" in the ninth line of the first paragraph before the word "period," and adding after the word "period" the words "paid for."

#### NOTICE OF AMENDMENT NO. 86.

**Page 49-G.** Regulation G-19 is amended, effective April 1, 1919. By this amendment the Regulation now consists of five paragraphs instead of four.

## NOTICE OF AMENDMENT NO. 87.

**Page 45-L.** Regulation L-32 is amended, effective April 1, 1919, by substituting the following for the present paragraph:

(e) Corrals, stock tanks, shelters, and drift, division, or other fences required for the proper management of the special-use permittee's stock which do not give control of range to the exclusion of stock otherwise entitled to its use.

Regulation L-32 is also amended, effective January 1, 1919, by adding the following after paragraph (q):

(r) Public uses by any department or branch of the Federal Government, including municipalities where no profit is to be derived from such uses.

## NOTICE OF AMENDMENT NO. 88.

**Page 47-L.** Regulation L-36 is amended, effective April 1, 1919, by substituting the words "timber and" for the word "inflammable" in the third line of the regulation.

## NOTICE OF AMENDMENT NO. 89.

**Page 3-T.** Regulation T-1 is amended, effective May 1, 1919, by adding the words "and Columbia" in the second line of paragraph (E) so that the paragraph will read:

(E) Building a camp fire on the Angeles National Forest and those portions of the Cleveland, Santa Barbara, and Columbia National Forests which have been designated by the respective supervisors thereof without first obtaining a permit from a Forest officer.



## NOTICE OF AMENDMENT NO. 90.

**Page 22-A.** Regulation A-4a is amended, effective July 1, 1919, by substituting the figure "3" for the figure "2" in the fifth line of the regulation, by substituting the figure "7" for the figure "6" in the sixth line, and by substituting the year "1920" for the year "1919" in the ninth line.

## NOTICE OF AMENDMENT NO. 91.

**Pages 3-T to 22-T.** The Trespass Section of the National Forest Manual is revised, effective October 1, 1919. The object of the revision is to correlate the instructions under the various kinds of trespass and to amplify them in a number of important respects. Many of the changes are due to the increased authority granted field officers in the settlement of trespass cases. The entire Section of Trespass (pages 3-T to 22-T) has been reprinted.

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#### NOTICE OF AMENDMENT NO. 92.

**Page 22-A.** Regulation A-5 is amended, effective February 20, 1920, by adding at the end of the paragraph, after the words "ranger stations," the following: "**or subsistence and expenses of forest officers temporarily assigned to urgent special duties for a period not to exceed 60 days.**"

#### NOTICE OF AMENDMENT NO. 93.

**Page 6-T.** Regulation T-3 is amended, effective October 1, 1920, by adding as a new paragraph the following:

**(E) Damaging and leaving in a damaged condition roads or trails which are under the jurisdiction of the Forest Service.**

#### NOTICE OF AMENDMENT NO. 94.

**Page 3-S.** Regulation S-1 is amended, effective July 10, 1920, by substituting a new paragraph for the present paragraph (6). Also by adding a new paragraph after paragraph (7).

#### NOTICE OF AMENDMENT NO. 95.

**Page 65-S.** Regulation S-19 is amended, effective July 15, 1920, by changing the figures in the fourth line from "30,000,000" to "**50,000,000**" and those in the sixth line from "3,000,000" to "**6,000,000.**" Also by adding a new paragraph to the regulation.





## NOTICE OF AMENDMENT NO. 96.

**Page 21-A.** Regulation A-4 is amended, effective April 1, 1921, by eliminating the paragraph under the subhead "Horses and Forage" and substituting therefor three new paragraphs.

## NOTICE OF AMENDMENT NO. 97.

**Page 22-A.** Regulation A-4a is amended, effective May 1, 1921, by substituting a new paragraph for the present paragraph.

## NOTICE OF AMENDMENT NO. 98.

**Page 42-A.** The National Forest Manual is amended, effective January 15, 1921, by adding a new regulation numbered Regulation A-13, carrying the caption "Appeals." The regulation consists of two paragraphs.

[NOTE.—Under the caption "Instructions and Procedure" are the following subheads: "Additional Time to Complete Evidence," "Supervisor's Formal Decision," "Further Consideration," "Appeals to the District Forester," "Appeals to the Forester," "Appeals to the Secretary of Agriculture," "Field Investigation," "Examination of Records," and "Complaints," with instructions thereunder. Under the captions "Grazing Appeals," and "Special Instructions" appears the subhead "Supervisor's Decision—Reconsideration." Instructions thereunder begin with "Upon receipt of" and end with the "case at issue." These instructions have been transferred from pages 53, 54, 55, and 56-G of the grazing section of the Manual with the view of consolidating in one place under Regulation A-13 all of the regulations and instructions covering the handling of appeals. The matter on pages 53-G, from and including the caption "Settlement of Controversies," together with pages 54-G, 55-G, and the first 5 lines at the top of page 56-G have been eliminated from the Grazing section.]

## NOTICE OF AMENDMENT NO. 99.

**Page 15-T.** Regulation T-8 is amended, effective April 1, 1921, by adding a new paragraph beginning "(C) *The placing by any person,*" and ending "*any calendar year.*"

## NOTICE OF AMENDMENT NO. 100.

**Page 37-G.** Regulation G-15 is amended, effective February 1, 1921, by adding a new paragraph beginning "*A corporation will not be given,*" and ending "*who are citizens.*" This addition becomes the second paragraph.





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NOTICES OF AMENDMENTS—INSTRUCTIONS.

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## NOTICES OF AMENDMENTS—INSTRUCTIONS.

### NOTICE OF AMENDMENT NO. 1.

Page 5—G. Instructions under Regulation G-1 are modified, effective July 1, 1915, by substituting for the paragraph under subhead "Stock Not Chargeable Against Allotment," the following:

*"Stock grazed free of charge under Regulation G-5; under Regulation G-7; free permits issued under Regulation G-18; free crossing permits issued under Regulation G-8; and all animals under six months of age at the time of entry, which are the natural increase of stock covered by permit, are not chargeable against the allotment."*

### NOTICE OF AMENDMENT NO. 2.

Page 26—G. Instructions under Regulation G-10 are modified, effective July 1, 1915, by substituting for the first sentence under the subhead "Delinquents" the following:

*"When necessary, the supervisor will notify all persons who have not paid the fees thirty days prior to beginning of grazing period that their payments are overdue, and unless payment is made within a certain specified time permit for that season will be denied them."*

### NOTICE OF AMENDMENT NO. 3.

Page 33—G. Instructions under Regulation G-14 are modified, effective July 1, 1915, by substituting for the words in parentheses on the last line under the subhead "New Settlers, Classification of" the words "(See 'Permits to New Settlers,' page 51.)"

### NOTICE OF AMENDMENT NO. 4.

Page 38—G. Instructions under Regulation G-15 are modified, effective July 1, 1915, by changing the first two sentences under the subhead "Order of Preference Class B" to read:

*"Class B includes owners of improved ranch property and stock in excess of the protective limit; owners of stock either above or below the protective limit who do not own improved ranch property but who have established permanent preferences through prior or regular use, and all copartnerships, companies, and corporations either above or below the protective limit."*

### NOTICE OF AMENDMENT NO. 5.

Page 42—G. Instructions under Regulation G-17 are modified, effective July 1, 1915, by adding to the end of the paragraph under subhead "Partnership Agreement" the words "provided that a share in both the stock and ranch property is transferred."

## NOTICE OF AMENDMENT NO. 6.

Page 43-G. Instructions under Regulation G-17 are modified, effective July 1, 1915, by substituting in the third line under the subhead "Reductions" the word "*range*" in place of "*district*"; and by inserting between the first and second sentences of the paragraph the sentence "*When, owing to topographic features, it is impossible to assemble reductions in permits upon an entire grazing district, each natural grazing division may be considered as a unit.*"

## NOTICE OF AMENDMENT NO. 7.

Page 47-G. Instructions under Regulation G-18 are modified, effective July 1, 1915, by inserting in the third line under the subhead "Free Permits to Purchasers." after the words "*bona fide*" the words "*and the required waiver (Form 763).*"

## NOTICE OF AMENDMENT NO. 8.

Page 47-G. Instructions under Regulation G-18 are modified, effective July 1, 1915, by the addition to the instruction under the subhead "Minimum Period Between Renewals" of the following:

*"By 'initial permit' is meant the first permit which the purchaser secures after the purchase of the stock. This will be either the free permit secured for the remainder of the grazing season for which the fees were paid by the original permittee, or in the event the purchase is made between the season, the first paid permit issued to him at the beginning of the grazing season subsequent to the purchase."*

## NOTICE OF AMENDMENT NO 9.

Page 48-G. Instructions under Regulation G-18 are modified, effective July 1, 1915, by substituting in the fourth and fifth lines under the subhead "Purchase of Stock Only by Owner of Improved Ranch" the words "*the permittee's established grazing preference*" in place of the words "permitted stock purchased," so that the last two clauses of the paragraph reads "*may be allowed a renewal of permit for not to exceed 80 per cent of the number of the permittee's established grazing preference,*" provided that the maximum limit restriction is not exceeded.

## NOTICE OF AMENDMENT NO 10.

Page 48-G. Instructions under Regulation G-18 are modified, effective July 1, 1915, by substituting in the fourth line under the subhead "Purchase of Stock and Ranches" the words "*permittee's established grazing preference*" in place of the words "permitted stock purchased."

## NOTICE OF AMENDMENT NO. 11.

Page 52-G. Instructions under Regulation G-19 are modified, effective July 1, 1915, by omitting from the third and fourth lines under the subhead "When Allowed for Full Protective Limit Number" the words "i. e., ranch owners owning more than the protective limit number of stock," so that the sentence now reads "*If there is surplus range, new applicants of Class B may also be allowed permits, etc.*"

## NOTICE OF AMENDMENT NO. 12.

Page 60-G. Instructions under Regulation G-29 are modified, effective July 1, 1915, by substituting in the last line of the first paragraph under the subhead "Enforcement of Quarantine Regulations" the word "*revoked*" in place of the word "*canceled*."



### NOTICE OF AMENDMENT NO. 13.

Page 4-T. Instructions under the subhead "Innocent Fire Trespass" are modified, effective July 1, 1915, by substituting for the present text the following:

*"In cases where a fire, accidentally started on privately owned lands, spreads over National Forest lands after all reasonable precautions or preventive measures have been taken; or where a fire accidentally is started upon or spreads over National Forest lands, the United States can not ordinarily recover any damages whatsoever.*

*"However, this is not universally true, since, in some States, by statute, individuals and companies, particularly railroad companies, are made liable in any event for the damage done. Therefore, all such cases should be fully reported as outlined on Form 856 in order that the assistant to the solicitor may determine the extent of the liability, if any."*

### NOTICE OF AMENDMENT NO. 14.

Page 9-S. Instructions under subhead "Destructive Methods of Logging" are modified, effective July 1, 1915, by substituting for the parenthetical statement in lines 10 and 11 the following: "(See clauses under head 'Logging,' Form 202.)"

### NOTICE OF AMENDMENT NO. 15.

Page 11-S. Instructions under subhead "Utilization Requirements" are modified, effective July 1, 1915, by substituting for the parenthetical statement in the fourth paragraph the following: "(See clause under head 'Scaling and Merchantability,' Form 202)"; and by substituting for the parenthetical statement in the fifth paragraph the following: "(See clause under head 'Scaling and Merchantability,' Form 202.)"

### NOTICE OF AMENDMENT NO. 16.

Page 17-S. Instructions under the subhead "Stumpage Appraisals" are modified, effective July 1, 1915, by substituting for the second and third sentences of the sixth paragraph the following:

*"Where there is no market for saw, tie, or pole timber but a local demand exists for cordwood or other less valuable products, sales may be made at stumpage prices based upon the products actually marketable. Cutting under such sales should be restricted as far as practicable to dead and overmature timber and undesirable species, leaving the bulk of the thrifty saw, tie, or pole timber of the more valuable species. Sales to supply local needs for cordwood, etc., may be made similarly in regions where the cutting of more valuable products is in progress but it is not practicable to supply the local requirements by utilizing inferior grades of material produced in such operations."*

### NOTICE OF AMENDMENT NO. 17.

Page 18-S. Instructions under subhead "Utilization of Various Products" are modified, effective July 1, 1915, by substituting for the parenthetical statement, lines 3 and 4, the following: "(See clauses under heads 'Logging' and 'Scaling and Merchantability,' Form 202; also standard clauses 12 to 16, pages 25-26.)"

### NOTICE OF AMENDMENT NO. 18.

Page 18-S. Instructions under subhead "Scaling" are modified, effective July 1, 1915, by substituting for the parenthetical clause in the first paragraph the following: "(See clause under head 'Scaling,' Form 202; and standard clause 27, page 27.)"

## NOTICE OF AMENDMENT NO. 19.

Page 19-S. Instructions under subhead "Logging Improvements" are modified, effective July 1, 1915, by substituting for the third sentence, first paragraph, the following: "*The species for which a charge will be made should be designated in the appropriate clause under the head 'Occupancy and Improvements,' Form 202.*"

## NOTICE OF AMENDMENT NO 20.

Page 19-S. Instructions under subhead "Precautions Against Fire" are modified, effective July 1, 1915, by substituting for the second sentence, first paragraph, the following: "*The clause under the head 'Fire Protection,' Form 202, embodies the unvarying policy of the Service as regards assistance in preventing and extinguishing fires on the part of purchasers.*"

## NOTICE OF AMENDMENT NO. 21.

Page 20-S. Instructions under the general caption "Contract Conditions" are amplified, effective July 1, 1915, by the addition under the new subhead "Sales of Rapidly Deteriorating Timber," of the following:

"Standard clauses 62-a and 62-b may be inserted in agreements for sales of timber subject to rapid deterioration on account of damage by fire, insects, windthrow, etc., where it is anticipated that as the operation progresses there may be an insufficient quantity of merchantable timber on remaining logging units to permit a practicable operation. When the amount of merchantable material on each logging unit necessary to justify the investment required to log it can be determined in advance, Clause 62-a should be used. If this can be decided only at the time of cutting, Clause 62-b may be used. These clauses should not be used in sales consisting mainly of living timber unless they contain definitely described bodies of rapidly deteriorating timber to which exclusively the above principles are applicable.

"Where Clause 62-a or 62-b is used, page 1 of Form 202 should be changed by substituting 'certain fire killed and fire damaged timber' or 'certain insect killed and insect damaged timber,' as the case may be, for 'all the dead timber standing or down and all the living timber.'"

## NOTICE OF AMENDMENT NO. 22.

Page 31-S. Instructions under the general caption "Special Clauses for Sample Agreements and Sale Contracts" are amplified, effective July 1, 1915, by the addition under the new subhead "Sale of Rapidly Deteriorating Timber", of the following:

"62-a. The purchaser will not be required to cut or remove killed or damaged by (fire, insect, etc.) from any logging unit or portion of a logging unit on the sale area which, as ascertained by the forest supervisor at the time it is reached for cutting, contains an average of less than ——— ft. B. M., per acre; Provided, that the said purchaser has cut the minimum amount required to be cut periodically in accordance with Clause ——— of this agreement.

"62-b. The purchaser will not be required to cut or remove killed or damaged by (fire, insect, etc.) from any logging unit or portion of a logging unit on the sale area which, in the judgment of the forest supervisor, contains at the time it is reached for cutting an insufficient quantity of merchantable timber to permit a practicable operation; Provided, that the said purchaser has cut the minimum amount required to be cut periodically in accordance with Clause ——— of this agreement."



### NOTICE OF AMENDMENT NO. 23.

Page 33-S. Instructions under the general caption "Advertisement" are amplified, effective July 1, 1915, by the addition at the bottom of the page, under the new subhead "Preliminary Advertisement," of the following:

*"The standard practice of the Service to begin publication of sale notices after the approval of the sample agreement will be waived to permit preliminary advertisement in sales of regional and general interest when the total period of advertisement exceeds two months. This provision is to secure the same publicity for larger sales without the delay incident to long-term advertisements after the terms of sale have been fixed. Preliminary advertising will be considered part of the total advertising period required."*

*"Preliminary advertisements will be published with the approval of the forest officer authorized to make the sale. They will follow the usual form of sale notices, giving as much data as is available. Stumpage prices and the date for opening bids will necessarily be omitted, but in all cases a definite date will be set when the Service will formally offer the timber for sale and furnish a sample agreement."*

*"Preliminary advertising is especially desirable when the regular publication of notice of sale will fall in a season when examination of the timber by prospective purchasers would be difficult. In any event, however, the usual advertisement will be published in such cases for not less than two months except with the concurrence of the Forester."*

### NOTICE OF AMENDMENT NO. 24.

Page 38-S. Instructions under the general caption "Awards—Prevention of Monopoly" are amplified, effective July 1, 1915, by the addition, under the new subhead "Sales Subsequent to Advertisement," of the following:

*"If timber is not sold immediately after its advertisement, a provisional award may be made subsequently upon application from a purchaser, who may be regarded as occupying the same position in relation to the sale as the highest bidder. Such awards should conform with the terms of advertisement and of these instructions as to required deposit, preliminary financial showing, time specified for execution of contract and completion of financial showing, etc. (See also under 'Private Sales of Advertised Timber,' p. 1-S.)"*

### NOTICE OF AMENDMENT NO. 25.

Page 45-S. Instructions under the general caption "Deposits, Refunds, and Transfers" are amplified, effective July 1, 1915, by the addition, at the bottom of the page, of the following, under the new subhead "With Bids":

*"The deposit accompanying the bid will be of the same amount as the advance payment specified in the sample agreement, except in sales involving a preliminary construction period of six months or more when the maximum deposit required will be \$10,000; it being specifically provided in the advertisement and sample agreement that an additional deposit sufficient to make up the first advance payment will be made on a fixed date which shall be not later than the beginning of cutting operations."*

### NOTICE OF AMENDMENT NO. 26.

Page 45-S. Instructions under the head "With Bids and In Sales" are modified, effective July 1, 1915, by omitting the first sentence; by substituting for the second sentence the following: "Advance payments will be based upon the probable rate of cutting, and ordinarily should cover the estimated cut during two months of active logging"; and by inserting after the next to the last paragraph the following:

*"If upon receipt of the final scaling report a balance in excess of \$1 is due the Government, the entire amount should be obtained before closing the case. If the balance is \$1 or less, a further deposit will not be requested unless the*

amount due exceeds 25 per cent of the value of the timber included in the sale, subject to a minimum permissible balance of 24 cents. No requests will be made for balances under 25 cents."

In addition the head "With Bids and In Sales" is changed to read "In Sales."

#### NOTICE OF AMENDMENT NO. 27.

Page 78-S. Instructions under the subhead "By Other Federal Departments" are modified, effective July 1, 1915, by omitting from line 1 the words: "may be granted to other federal departments and"; so that the sentence now reads: "*Free use may be authorized by the Secretary of Agriculture in carrying out the provisions of the national irrigation act (Act of February 8, 1905.)*"; and by adding the following new paragraph:

"*By the Act of March 4, 1915, the Secretary of Agriculture is authorized to grant the free use of earth, stone, and timber from the National Forests for use by the Navy Department, and also to grant free of charge earth, stone, and timber from the National Forests for the construction of Government railways and other Government works in Alaska.*"

#### NOTICE OF AMENDMENT NO. 28.

Page 89-S. Instructions under the head "Form of Permit" are modified, effective July 1, 1915, by substituting for the first sentence the following:

"*Where applicable timber sale and free use forms should be used in issuing administrative use permits, the title being changed to 'Administrative Use,' and the following clause incorporated: This permit is issued in accordance with the authority of the Secretary of Agriculture to dispose of timber whose use or removal is necessary to protect the Forest from injury.*"

and by inserting in the form for Administrative Use Permit, immediately before "Signed in duplicate this ——— day of ———, 19—," the following:

"*This permit is issued in accordance with the authority of the Secretary of Agriculture to dispose of timber whose use or removal is necessary to protect the Forest from injury.*"

#### NOTICE OF AMENDMENT NO. 29.

Page 11-A. Instructions under subhead "Leave of Absence" were modified, effective March 13, 1915, by adding the following after the first paragraph:

"*Annual and sick leave within the legal limit may be granted by the supervisor to forest officers. Leave of absence without pay may also be granted for periods not exceeding 30 days by the supervisor to forest officers at their own request when the public business will not suffer by the absence and when reasonable cause is shown, such as important personal business or emergencies of a serious nature. Leave without pay for more than 30 days will be granted only by the Secretary of Agriculture. The formal recommendation should state the nature of the business or emergency necessitating the absence.*"

#### NOTICE OF AMENDMENT NO. 30.

Page 39-A. Instructions under the subhead "Purchase of Barb Wire" were modified, effective March 5, 1915, by omitting from the last paragraph the sentence: "An addressed franked envelope should always be included with orders."

#### NOTICE OF AMENDMENT NO. 31.

Page 64-A. Instructions under the caption "Changes in the Regulations and Instructions" are modified, effective July 1, 1915, by substituting for the fourth and fifth paragraphs the following:



"Third. Notices of amendments will be inserted in serial order in the back of this manual, behind their proper guide cards. Superseded loose leaves will be filed in a special file maintained for that purpose.

"In posting amendments and inserting notices of amendments care should be taken to see that the amendment of immediately preceding serial number was posted and the notice of amendment inserted. If the notice of amendment is not found, the forest officer should at once take the steps necessary to obtain both it and the corrected sheet to which it refers. Copies of the National Forest Manual will be subject to inspection to see that they are kept up."

#### NOTICE OF AMENDMENT NO. 32.

Page 3-L. Instructions under Regulation L-1 are modified, effective July 1, 1915, by omitting from the third paragraph, fourth line, the word "service" and inserting after the word "lines" the words "*transmitting purchased power*", so that the sentence now reads "*lines transmitting purchased power from systems, etc.*"; also by omitting from the seventh line the word "service."

#### NOTICE OF AMENDMENT NO. 33.

Page 7-L. Instructions under Regulation L-7 are amplified, effective July 1, 1915, by the addition at the end of the present note, of the following:

"*'Primary transmission lines,' as used in these regulations are to be distinguished from service lines, which mean and include lines operated at the voltage of the apparatus using the power (lamps, motors, etc.) and having no voltage reduction at the delivery end; and from secondary transmission or distribution lines which mean and include all lines operated at a voltage intermediate between the primary transmission line voltage and the service line voltage. In computing deductions for transmission line distance, length of primary transmission lines only will be considered.*"

#### NOTICE OF AMENDMENT NO. 34.

Page 9-L. Instructions under Regulation L-8 are modified, effective July 1, 1915, by the substitution for the present note of the following:

"*Except when forming part of a power project of 100 horsepower total capacity or less the regular charge of \$5 per mile or fraction thereof will be made for all secondary transmission or service lines, as defined in the note to Regulation L-7, whether such lines are included in the general permit or are under supplementary or independent permit.*"

#### NOTICE OF AMENDMENT NO. 35.

Page 14-L. Instructions relating to Regulation L-14 are modified, effective July 1, 1915, by the insertion, after paragraph (F), of the following:

"*Note.—In general sufficient information concerning electrical output may be secured from generating station and substation records. Hence, in Art. 15 of the Stipulations, in describing the places at which electric meters should be installed, it will ordinarily be sufficient to write 'At (all) the generating station(s) and substations of the power system.'*"

#### NOTICE OF AMENDMENT NO. 36.

Page 19-L. Instructions relating to Regulation L-25 are amplified, effective July 1, 1915, by inserting after paragraph (D) the following:

"*Note.—See note following paragraph (F), Regulation L-14, page 14-L.*"

#### NOTICE OF AMENDMENT NO. 37.

Page 23-L. Instructions are modified, effective July 1, 1915, by substituting in third paragraph, fifth line, for the words "Interior Department" the word "President."

#### NOTICE OF AMENDMENT NO. 38.

Page 25-L. Instructions are modified, effective July 1, 1915, by substituting for the third paragraph the following:

*"Permits granted under the act may not be transferred except by following the procedure specified in Regulation L-17."*

#### NOTICE OF AMENDMENT NO. 39.

Page 28-L. Instructions are modified, effective July 1, 1915, by omitting from the second paragraph, second line, the words "the amount of payment and", so that the sentence now reads: *"Upon receiving the district engineer's report the district forester will prepare five copies of permit on Form 59, omitting the date of filing the final application"*; also by substituting in the fourth paragraph, third line, for the semicolon after the word "report" a comma; and in the fourth line omitting the words "and the amount of payment."

#### NOTICE OF AMENDMENT NO. 40.

Page 29-L. Instructions are modified, effective July 1, 1915, by inserting in the last paragraph, first line, before the word "transmission" the word "primary"; and in the second line, after the word "permit" inserting the words, *"or for any transmission, distribution or service line which is used"*, and for the word "uses" substituting the word "purposes", so that the sentence now reads: *"No rental charge will be made for primary transmission lines which are a part of a general power project included in the final power permit, or for any transmission, distribution, or service line which is used for municipal purposes, etc."*

#### NOTICE OF AMENDMENT NO. 41.

Page 36-L. Instructions are modified, effective July 1, 1915, by omitting from the second paragraph, second line, the words "or of one already under permit," and in the fourth line, after the word "permit," adding the words *"or for primary transmission lines when part of a power project under permit,"* so that the sentence now reads: *"No rental charge will be made for transmission lines when part of a power project of less than 100 horsepower or when they are to be used for municipal purposes or for irrigation or in connection with a timber sale or temporarily in the construction of other works under permit or for primary transmission lines when part of a power project under permit."*

#### NOTICE OF AMENDMENT NO. 42.

Page 37-L. Instructions are modified, effective July 1, 1915, by omitting from the fifth paragraph, fourth line, the words "and no additional charge will be made," and from the tenth line the words "and no charge will be made for the supplementary line."

#### NOTICE OF AMENDMENT NO. 43.

Page 42-L. Instructions are modified, effective July 1, 1915, by substituting for the head "Projects of Transmission Lines Involving the National Forests and also the Public Domain" the head *"Projects Involving Both the National Forests and the Public Domain."*



#### NOTICE OF AMENDMENT NO. 44.

Page 42-L. Instructions are modified, effective July 1, 1915, by substituting in the first paragraph, sixth line, for the word "of" the words "*named in*", so that the sentence reads: "*The date named in this letter, etc.*"

#### NOTICE OF AMENDMENT NO. 45.

Page 42-L. Instructions are modified, effective July 1, 1915, by substituting for the head "Projects Involving Land Included in a Withdrawal" the title "*Projects Involving Land Included in a Reserve*"; and in the eighth line, under this head, substituting for the words "advise the Director of the Geological Survey of the extent of the conflict and will recommend a modification of the reserve" the following: "*prepare an order of modification for the approval of the Secretary and the signature of the President. After signature, copies of the order will be forwarded to the General Land Office for information and record.*"

#### NOTICE OF AMENDMENT NO. 46.

Page 48-L. Instructions under the subhead "Reference to Reclamation Service" are modified, effective July 1, 1915, by substituting for the paragraph the following:

*"If a special-use permit, other than a permit for a stock tank, involves the storage or diversion of water within a watershed from which the Reclamation Service obtains a supply of water, the supervisor will ascertain from the proper supervising engineer of the Reclamation Service whether the proposed storage or diversion will interfere with any project of the Reclamation Service. No permits will be issued which are objectionable to the Reclamation Service. District foresters will inform the supervisors in their respective districts of watersheds in which the Reclamation Service is interested."*





#### NOTICE OF AMENDMENT NO. 47.

Page 16—A. Instructions under the subhead "Outside Employment" are corrected by substituting in the fifth line the figure "34" for the figure "6," and the word "Administrative" for the word "Fiscal."

[NOTE.—This correction should be made in ink on the old loose leaf, a new page not having been printed.]

#### NOTICE OF AMENDMENT NO. 48.

Page 23—A. Instructions under the subhead "Reimbursement During Absence from Duty" are corrected by substituting in the fourth line the figure "46" for the figure "39."

[NOTE.—This correction should be made in ink on the old loose leaf, a new page not having been printed.]

#### NOTICE OF AMENDMENT NO. 49.

Page 39—A. Instructions under the subhead "Request for Bids" are corrected by substituting in the last line of the second paragraph the figure "30" for the figure "25."

[NOTE.—This correction should be made in ink on the old loose leaf, a new page not having been printed.]

#### NOTICE OF AMENDMENT NO. 50.

Page 43—S. Instructions under the subhead "Liability of Surety" are corrected by substituting in the third line the figure "10" for the figure "15."

[NOTE.—This correction should be made in ink on the old loose leaf, a new page not having been printed.]

#### NOTICE OF AMENDMENT NO. 51.

Page 28—A. Instructions under the subhead "Property Procured by Purchase" were modified July 15, 1915, by the addition to the second paragraph of the following sentence: "*He will indicate on the Form 939c sent to the property auditor all articles or materials entering into the maintenance or construction of permanent improvements and the construction of any equipment, furniture, or furnishings*"; and by inserting in the first line of the third paragraph, after the word "made", the words "*of any Form 5a account*", so that this paragraph now reads:

"*When payment has been made of any Form 5a account the fiscal agent will, etc.*"

#### NOTICE OF AMENDMENT NO. 52.

Page 33—A. Instructions under subhead "Property Auditor's Reports" are modified, effective July 15, 1915, by the addition, after the word "water", line 4, of the words "*and articles entering into constructions and maintenance of improvements, such as lumber, doors, windows, telephone and fencing material, and hardware*", so that the first sentence of the paragraph now reads: "*Annually, on June 30, the property auditor will furnish the Forester a statement showing separately for the Washington office, the Madison laboratory, district headquarters, and Forests the cost of all expendable supplies, with the exception of provisions, forage, fuel, lighting materials, and water, and articles entering into constructions and maintenance of improvements, such as lumber, doors, windows, telephone and fencing material, and hardware, issued by the property clerk or obtained by field purchase under letters of authorization.*"

#### NOTICE OF AMENDMENT NO 53.

Page 38—A. Instructions under subhead "Rights of Way" are modified, effective October 1, 1915, by the addition at the end of the first paragraph of

the following sentence: "*Where the area traversed is so small that the cost of obtaining and recording the deed is not warranted the written consent of the owner will suffice.*"

#### NOTICE OF AMENDMENT NO. 54.

Page 7-T. Instructions under the general caption "Timber Trespass" are modified, effective October 1, 1915, by substituting for the present text under the subheads "In Innocent Cases" and "Innocent Purchasers", respectively, the following:

##### **In Innocent Cases.**

*"When the trespass is innocent the measure of damages will be the difference between the value of the trespass area immediately before and after the trespass occurred, which damage is ordinarily represented by the stumpage value of the timber cut. Any damage sustained by the United States in addition to the actual loss of stumpage should also be included as an item of damage."*

##### **Innocent Purchasers.**

*"Where the purchaser of timber cut in innocent trespass is held for damages the measure will be the stumpage value of the timber. If the timber is purchased from a willful trespasser, without knowledge of the trespass, the value will be determined as of the time of such purchase."*

#### NOTICE OF AMENDMENT NO. 55.

Page 18-T. Instructions under subhead "Criminal Prosecution" are modified, effective October 1, 1915, by the addition as a second paragraph of the following:

*"In fire trespasses where there appears to be sufficient evidence to secure conviction, criminal prosecution should be recommended ordinarily for all violations of Sections 52 or 53 of the Criminal Code (Act of Mar. 4, 1909), or of Regulation T-1, or of the criminal code of the State in which the trespass occurs. When the circumstances of the case are such that payment by the trespasser of the damages sustained by the Government will constitute an adequate penalty, civil action alone should be recommended. A judgment for civil damages will not be an adequate penalty, irrespective of the amount involved, if the trespass is malicious or the result of gross carelessness. In such cases both civil and criminal action should be recommended, except that civil action should not be recommended when the damage involved is less than \$50, and there appears to be sufficient evidence to secure conviction in a criminal action."*

#### NOTICE OF AMENDMENT NO. 56.

Page 18-S. Instructions under the subhead "Stumpage Appraisals" (17-S) are modified, effective October 1, 1915, by inserting at the end of the chapter (18-S) the following paragraphs:

*"As far as practicable, parts of sale areas which will be listed for homestead entry after the timber is cut should be designated on the ground before the stumpage is appraised or the terms of the agreement prepared."*

*"On areas which will be listed as chiefly valuable for agriculture after the removal of the present stand, the timber should be appraised with reference to the methods of cutting employed on them, allowance being made for the reduction in logging costs due to clean cutting and cheaper methods of slash disposal. (See p. 8). The standards and requirements of the appraisal manual should be followed as strictly in determining the value of timber on agricultural lands as in other cases."*

#### NOTICE OF AMENDMENT NO. 57.

Page 19-S. Instructions under the subhead "Disposal of Slash" are modified, effective October 1, 1915, by the addition at the end of the first paragraph of the following: "*Where the fire risk is not great and where such procedure is desirable for silvicultural reasons, piling and burning may be restricted to fire*



lines, and lopping and scattering or top pulling be permitted on the remainder of the area. (See standard clauses 45a and 45b.)"

#### NOTICE OF AMENDMENT NO. 58.

Page 29-S. Instructions are modified, effective October 1, 1915, by the addition after paragraph 45 of the following paragraphs:

"45a. Slash will be disposed of as follows: On such fire lines as the forest officer in charge may designate, to be located where the danger from fire makes their construction necessary, in his judgment, tops will be lopped and all brush and débris piled compactly at a safe distance from living trees. The piles will be burned free of charge by the purchaser, under the supervision of the forest officer in charge, and at such times as he may require. On the remainder of the sale area slash will be lopped and scattered or pulled away from living trees as may be required by the forest officer in charge. If lopped and scattered, slash and all débris will be spread so as to lie close to the ground and away from living trees."

"45b. Slash will be disposed of as follows: On a strip or strips the width of which at any point will be determined by the forest officer in charge, but which shall not have an average width of more than ——— rods, and the length of which shall not exceed a total of ——— miles, which strip or strips shall be located as the forest officer in charge may designate, tops will be lopped and all brush and débris resulting from the cutting will be piled and will be burned free of charge by the purchaser, under the supervision of the forest officer, and at such times as he may require. Trees cut on the outer edge of strips will, when practicable, be felled so as to fall outside of them. On the remainder of the sale area slash will be lopped and scattered or pulled away from living trees as may be required by the forest officer in charge. If lopped and scattered, slash and all débris will be spread so as to lie close to the ground and away from living trees."

#### NOTICE OF AMENDMENT NO 59.

Page 41-S. Instructions under the subhead "In Sales Exceeding 10,000,000 Feet" are modified, effective October 1, 1915, by substituting for the second paragraph the following:

"The purchaser will be required to show assets in hand equivalent to at least 30 per cent of the initial investment in fixed and working capital as shown by the appraisal. This will be considered a satisfactory financial showing. Such assets must be clear of liabilities, which include bonds, mortgages, or notes, but not stock subscribed or paid in. Assets may be in the form of cash, improvements, equipment, or, in the case of corporations, subscribed stock, the last not exceeding one-half of the amount required for a satisfactory financial showing. Stock subscription must be by solvent subscribers satisfactory to the approving officer and in the amount specified, whether the stock be subscribed at par or not. Assets equivalent to subscribed stock may be accepted in the case of firms, partnerships, limited corporations, or personal or family arrangements. These may include written promises or agreements to furnish stated amounts of money for the enterprise from persons found to have ample resources to make them good. Not less than one-half of the amount required for a satisfactory financial showing should be available in cash, improvements, or equipment before the timber is awarded, and satisfactory guaranties from subscribers should be furnished that any balance in subscribed stock or promises to furnish capital, making up the 30 per cent, will be paid in not later than the beginning of the cutting period."

#### NOTICE OF AMENDMENT NO. 60.

Page 50-S. Instructions under the subhead "Damages" (49-S) are modified, effective October 1, 1915, by the addition after the last paragraph (50-S) of the following:

"When the cancellation of an agreement is sought under provisions 2 of Reg. S-15, the cost of making a resale of the remaining timber, i. e., the cost of re-

appraisal and readvertisement, should be reported. If an immediate sale is not probable and the present value of the timber is ascertained by appraisal rather than readvertisement, the cost of a resale will be taken to be the estimated costs of reappraisal and readvertisement, based upon the costs incurred in the original sale as far as they are applicable."

#### NOTICE OF AMENDMENT NO 61.

Page 54-S. Instructions under the subhead "When of Advantage to the United States or Not Prejudicial to Its Interests" are modified, effective October 1, 1915, by the addition at the end of the fourth paragraph of the following: *"In cancellations of this kind the cost to the Government of making a resale of the remaining timber, i. e., the cost of reappraisal and readvertisement, will be included unless the cancellation is of distinct advantage to the United States."*

#### NOTICE OF AMENDMENT NO. 62.

Page 56-S. Instructions are modified, effective October 1, 1915, by the addition after the instructions under the subhead "Objects" of a new subhead and instructions as follows:

##### Instructions to Officers in Charge.

*"Officers in charge of all important sales should be furnished written instructions by the forest supervisor covering all important points to be observed in the enforcement of the contract. These instructions should be approved by the district forester in all class D or class E sales before being signed by the supervisor. They will establish the administration of the sale and govern all Forest officers who may be assigned to it from time to time. Their purpose is to make the handling of the sale as uniform and consistent as possible."*

*"The sale instructions should include any agreements or understandings reached with the purchaser in the course of negotiations regarding the interpretation or local application of particular contract clauses. They should cover methods of marking and the application of the methods followed in the sample marking to the balance of the sale area. They should also cover the application of the clauses dealing with fire prevention and slash disposal to various parts of the sale area, utilization requirements, and any other features of administration which it is desirable to reduce to written form to insure consistent handling of the sale by any officers subsequently placed in charge of it."*

*"A large scale map of the sale area on which such data as the location of fire lines, boundaries of merchantable timber, areas where different methods of cutting or slash disposal are to be followed, etc., are shown graphically should form part of the instructions. The aim will be to make the sale instructions a complete plan of administration, though in very concise form and containing only material of practical value to the administrative officers on the ground."*

#### NOTICE OF AMENDMENT NO. 63.

Page 83-S. Instructions under the subhead "No Charge Permits" are modified, effective October 1, 1915, by omitting from the second paragraph the words "or in connection with special uses by noncommercial cooperative organizations for mutual or public benefit, such as ditches or reservoirs constructed by associations of settlers." and by substituting for the third paragraph the following:

*"The right of permittees to free timber for improvements or for removal and use elsewhere, in the case of either individuals, noncommercial associations, or companies, will be determined under the instructions on free use and administrative use. (See 'Authorized Uses,' pages 77 and 78.) Payment will be required for timber whose logging and sale are practicable, which is cut and not utilized either by individuals, noncommercial associations, or companies, except when there is an equivalent benefit to the National Forest. Where a stumpage price is necessary, the timber will be appraised as in sales, subject to the minimum price equivalent to the estimated cost of administration."*



## NOTICE OF AMENDMENT NO. 64.

Page 29-G. Instructions under the general caption "Instructions and Procedure" are modified, effective October 1, 1915, by the addition, after the instructions under the subhead "Applications Should Be Complete" of a new subhead and instructions as follows:

### Marks and Brands of Stock.

*"If the application shows that the stock to be grazed bear marks or brands not recorded in the name of the applicant or known to be his property, proof of the actual ownership of such stock should be required before the application is approved.*

*"If the stock actually placed upon the Forest is not marked or branded as shown in the permit or with a mark or brand known to be the property of the permittee, the permittee should immediately be required to submit acceptable proof of ownership or else to remove the stock from the Forest."*

## NOTICE OF AMENDMENT NO. 65.

Page 43-G. Instructions under the subhead "Increases in Class A Permittees" are modified, effective October 1, 1915, by the substitution for the present two paragraphs of the following:

*"Class A permittees owning a less number of stock than the protective limit will be allowed to increase their number gradually, but may be restricted in the number added each year. Old class A users may increase at once to the number allowed new applicants. Beyond this number increases will be by fixed percentages established by grades. On fully stocked Forests the total increase allowed combined with the total number allotted new settlers will be determined by the provisions of Regulation G-19 and the instructions thereunder. The supervisor will determine the division of the allotment which will be made between new settlers and persons whose permits are below the protective limit."*

## NOTICE OF AMENDMENT NO. 66.

Page 50-G. Instructions under the general caption "Instructions and Procedure" are modified, effective October 1, 1915, by substituting for the subhead "Limited to 3 Per Cent" and the entire five paragraphs under it a new subhead and instructions as follows:

### Number of Stock to Be Awarded.

*"When a surplus in the authorization is available for allotments equal to the number of stock necessary to provide for all permits to beginners and increases to permittees below the protective limit for which applications have been received, no sliding-scale reductions will be made.*

*"When the surplus in the authorization is inadequate to supply the demand for range by qualified class A new applicants and class A permittees entitled to increases, the district forester may authorize a sliding-scale reduction on permits in excess of the established protective limit which will make available an additional number of stock not exceeding 3 per cent of the total authorization. Such sliding-scale reductions need not be equally distributed over the entire Forest or between the different grazing districts, but may be wholly applied to the ranges or districts where needed to provide for increases or the issuance of permits to beginners. Reductions applied to individual permits, however, will be subject to the limitations imposed by the following paragraphs."*

## NOTICE OF AMENDMENT NO. 67.

Page 51-G. Instructions under the general caption "Instructions and Procedure" are modified, effective October 1, 1915, by the omission of the second paragraph under the subhead "Distribution of Unallotted Balance."





## NOTICE OF AMENDMENT NO. 68.

**Pages 18-A and 19-A.** Instructions under the subhead "Rules for Conduct" were modified, effective November 4, 1915, by striking out Rule (13) at the bottom of page 18-A and the top of page 19-A.

## NOTICE OF AMENDMENT NO. 69.

**Page 32-A.** Instructions under Regulation A-8 were modified, effective October 1, 1915, by adding a new heading and the following instructions to precede the instructions under the subhead "Annual Inventory of Improvement":

**"Exchange of Animals.**

*"When the prior consent of the district forester has been obtained under Regulation A-8 approving an exchange of animals, the following procedure should be followed:*

*"1. Where the Service pays a bonus—*

*"The supervisor will prepare Form 5a, giving the name and price of the animal to be received and the name and value of the Government animal to be given in exchange, accompanied by Forms 411 on both animals, which should be attached to the memorandum copy of Form 5a.*

*"2. When an even exchange is made—*

*"The supervisor will report the animal received and the animal given in exchange on Form 939 in duplicate and accompany the Form 939 with Forms 411 fully describing both animals and send them to the district forester, who will indorse upon Form 939 his approval of the transaction and forward them to the property auditor.*

*"3. When the Service receives a bonus—*

*"The supervisor will report the animal to be received and the animal to be given in exchange on Form 939 in duplicate and accompany Form 939 with Forms 411 fully describing both animals and send them to the district fiscal agent. He will also prepare a Form 861 for the use of the payor in transmitting to the district fiscal agent the bonus to be paid to the Government for deposit to credit of miscellaneous receipts exchange of property. When payment is received by the district fiscal agent he will show by proper stamp or otherwise upon Form 861 the receipt and date of payment and will then forward Form 939 approved by the district forester together with Forms 411 to the property auditor. Upon notice by the district fiscal agent to the supervisor that the money has been received the supervisor will complete the exchange by actual delivery of the animals."*

## NOTICE OF AMENDMENT NO. 70.

**Page 10-S.** Instructions under the subhead "Utilization of Minor Products" are modified, effective January 1, 1916, by inserting "*and 19a*" in the parenthetical reference at the end of the second paragraph so that the statement will read: "*(See standard clauses 19 and 19a, p. 26.)*"

[NOTE.—This correction should be made in ink on the old loose leaf, a new page not having been printed.]

## NOTICE OF AMENDMENT NO. 71.

**Page 11-S.** Instructions under subhead "Utilization Requirements" are modified, effective January 1, 1916, by substituting for the fifth and sixth paragraphs the following:

*"The removal of any material unmerchantable under the terms of the agreement will be allowed without charge in the discretion of the district forester. Thirty days' notice of the requirement to pay for such material should be given to purchasers.*

*"Material unmerchantable under the terms of the agreement for which payment is required by the district forester will be paid for at the special rate designated for such material, if such rate is specified in the sale agreement (see*

standard clauses 3a, p. 21, and 17, p. 26); otherwise at the regular contract prices. Special rates for unmerchantable material will apply only to pieces not subject to penalty scale under the terms of the contract. (See clause 10, Form 202.) Pieces consisting in part of merchantable and in part of unmerchantable material will be charged for at the regular contract prices if the merchantable portion would be subject to penalty scale.

"It is desirable to remove as much small and defective material from sale areas as possible as protection against fire and insects. Whenever the purchaser is able to dispose of such material if obtained without charge, but will be prevented from doing so if a stumpage price is required, its free removal should be authorized. If, however, a market for such material becomes established which justifies the payment of the special rate designated in the agreement and permits its removal at a reasonable profit after paying such rate, payment should be required. Free use of such material for sale improvements should always be permitted."

#### NOTICE OF AMENDMENT NO. 72.

Pages 11-S and 12-S. Instructions under the caption "Policy in Fixing Minimum Prices" are amended, effective January 1, 1916, by the substitution of the following for the first paragraph:

"No timber will be sold for less than its appraised market value. The purpose of fixing minimum rates is to determine the point at which it is believed wise public policy to withhold timber from sale rather than to sell at the market values now obtainable. Dead, fire-damaged, insect-infested, or badly diseased timber, which can not be withheld from sale without serious or total loss, should be appraised with a more liberal allowance for risk and profit than in the case of green timber and may be sold for less than the established minimum prices."

#### NOTICE OF AMENDMENT NO. 73.

Page 17-S. Instructions under the subhead "Stumpage Appraisals" are amplified, effective January 1, 1916, by substituting the following for the fourth paragraph:

"In recommending prices for sales, whether commercial or noncommercial, in isolated regions where outside timber does not compete with National Forest timber, the cost of securing material from the nearest outside source will be reported, but the appraisal will be on a reasonable basis corresponding with the rates obtained for similar material in other portions of the National Forest district where competitive conditions exist."

#### NOTICE OF AMENDMENT NO. 74.

Page 21-S. Instructions under the caption "Special Clauses for Sample Agreements and Sale Contracts" are modified, effective January 1, 1916, by adding a new heading and the following instructions to precede the instructions under the subhead "Cutting Period":

"Payment for Unmerchantable Material.

"3a. For any material unmerchantable under the terms of this agreement for which payment is required, to be cut and removed only at the option of the purchaser, \$----- per ----- M feet B. M., cords, etc. (see clause -----).  
No. 17, p. 26-S.

"For use when it is probable that closer utilization will become practicable before the contract expires."



## NOTICE OF AMENDMENT NO. 75.

Page 23-S. Instructions under the caption "Special Clauses for Sample Agreements and Sale Contracts" are modified, effective January 1, 1916, by substituting for paragraph (e) the following:

"(e) If any material cut under this agreement and merchantable under its terms is manufactured or sold by the purchaser in other forms than those specified herein, the Forester may upon the next readjustment date establish a special stumpage rate for each class of material so manufactured or sold during the succeeding period, which rate, in accordance with the ratio per thousand board feet currently used by the Forest Service, shall be not less than the initial stumpage price fixed herein and shall allow the purchaser an equitable profit under current selling prices and costs of production in the region defined above. The Forester may readjust on an equitable basis, on the dates designated above for readjustment of stumpage prices, the rates specified herein for material unmerchantable under the terms of this agreement."

Also by striking out in section (g) all of the second sentence.

## NOTICE OF AMENDMENT NO. 76.

Page 26-S. Instructions under subhead "Use of Minor Products" are modified, effective January 1, 1916, by substituting for clause 17 and the two lines following the clause the following:

"17. Material unmerchantable under the terms of this agreement may be removed at the option of the purchaser, subject to the charge specified herein for all or part of such material at the discretion of the district forester. Such material for which payment is required will be scaled, measured, or counted, as the district forester shall prescribe, and where necessary converted into board measure, log scale, by a ratio conforming with the current practice of the Forest Service.

"For use when it is probable that closer utilization will become practicable before the contract expires."

## NOTICE OF AMENDMENT NO. 77.

Page 26-S. Instructions under the subhead "Use of Minor Products" are modified, effective January 1, 1916, by adding the following standard clause and explanatory paragraphs:

"19a. It is also agreed that ——— may, at ——— option, purchase under this contract any or all of the dead timber standing or down on the designated area, and material for mine timbers, cordwood, or any other product from the tops of marked or designated live trees or from marked or designated live trees which are too small to be converted into sawlogs or hewed railroad ties; provided that any material taken under this option shall be paid for at the rate or rates hereinafter provided; and provided further, that no material which in the judgment of the forest officer is more valuable for other products shall be cut into cordwood. It is further agreed, however, that the United States shall have the right to sell any of the timber included in this option prior to written notice to the forest supervisor of ——— intentions of exercising ——— right hereunder.

"Following this clause the contract should provide for payment for material taken at the option of the purchaser, under the heading 'Payments,' Form 202, as follows:

"For material taken under the option aforesaid:

"For green mine props, all species, ——— cents per linear foot, ———. For any other material taken under said option such rates as may be established by the district forester in accordance with the ratios in current use by the Forest Service, such rates to be equivalent to \$——— per M feet B. M.

"These clauses may be inserted in Form 202 under the headings 'Description of Timber' and 'Payments,' in sales where the timber whose cutting is optional with the purchaser forms an important part of the proposition, or where this form of contract is desired by local forest officers. (See also standard clause 65, page 31.)"

## NOTICE OF AMENDMENT NO. 78.

Page 26—S. Instructions in clause 24 under the subhead "Miscellaneous Utilization Clauses" are modified, effective January 1, 1916, by substituting blanks for the figures "18" and "48" and the words "larch and cedar," so that for any given sale the most appropriate figure or species may be given.

## NOTICE OF AMENDMENT NO. 79.

Page 27—S. Instructions in clause 26 under the subhead "Miscellaneous Utilization Clauses" (p. 26—S) are modified, effective January 1, 1916, by substituting a blank for the figure "5," so that for any given sale the most appropriate figure may be given. Also by adding the following note as a new paragraph:

*"The usual allowance for trimming in cedar poles is 1 inch for each 5 feet in length."*

## NOTICE OF AMENDMENT NO. 80.

Page 28—S. Instructions in clause 39 under the subhead "Disposal of Slash" are modified, effective January 1, 1916, by substituting a blank for the figure "4," so that for any given sale the most appropriate figure may be given. Also by adding the following note as a new paragraph:

*"The usual maximum diameter for material to be piled is 4 inches."*

## NOTICE OF AMENDMENT NO. 81.

Page 29—S. Instructions in clause 49 under the subhead "Protective Measures—Locomotives and Donkey Engines" are modified, effective January 1, 1916, by substituting a blank for the figure "100," so that for any given sale the most appropriate figure may be given. Also by adding the following sentence after "Standard clause where logging railroads will be operated": *"The usual distance designated for clearing on each side of the right-of-way is 100 feet."*

## NOTICE OF AMENDMENT NO. 82.

Pages 29—S and 30—S. Instructions in clause 51 under the subhead "Protective Measures—Locomotives and Donkey Engines" are modified, effective January 1, 1916, by substituting blanks for the figures "1," "100," "1," the word and figure "six 12," and the figures "6" and "12," so that for any given sale the most appropriate figures may be given. Also by adding on page 30 the following as a new paragraph after the clause:

*"The most satisfactory fire protection equipment for engines has been found to be a connected steam-force pump of not less than a 1-inch discharge, 100 feet of serviceable 1-inch fire hose, six 12-quart pails, 6 shovels, and a constant supply of at least 12 barrels of water."*

## NOTICE OF AMENDMENT NO. 83.

Page 30—S. Instructions in clause 53 under the subhead "Protective Measures—Locomotives and Donkey Engines" (p. 29—S) are modified, effective January 1, 1916, by substituting blanks for the figure "50" and the dates "May 1" and "October 1," so that for any given sale the most appropriate figure or date may be given. Also by adding the following as a new paragraph after the clause:

*"The usual distance designated for clearing around donkey engines is 50 feet in all directions."*

## NOTICE OF AMENDMENT NO. 84.

Page 31—S. Instructions under the subhead "Sale of Other Products From the Same Area" are modified, effective January 1, 1916, by inserting at the end of the dash in the first line of section 63: *"(or, material unmerchantable under the terms of this agreement)."*



## NOTICE OF AMENDMENT NO. 85.

Page 34-S<sup>1</sup>. Instructions under the subhead "Form of Advertisement" (page 34-S) are modified, effective January 1, 1916, by substituting for the last paragraph the following:

*"Timber will be advertised at its appraised value. In sales in which closer utilization may become practicable a low rate, 25 or 50 cents per M feet, should be specified for material unmerchable under the terms of the agreement, which may be removed at the option of the purchaser. The following insertion in the advertisement should be used for this purpose:*

*"For material unmerchable under the terms of the contract, to be removed at the option of the purchaser, for which payment is required by the Forest Service, \$----- per M feet."*

## NOTICE OF AMENDMENT NO. 86.

Page 34-S<sup>1</sup>. Instructions in the first paragraph under the subhead "Correcting Mistakes" are modified, effective January 1, 1916, by substituting "Department Form 6a" for "Form BF" in the fifth and sixth lines.

## NOTICE OF AMENDMENT NO. 87.

Page 35-S. Instructions in the first, second, third, and fourth paragraphs under the subhead "Authority to Publish" are modified, effective January 1, 1916, by substituting "Department Form 6a" for "Form BF" wherever it appears; also by substituting "Department Form 6b" for "Form 961" in the fourth line of the first paragraph.

Instructions in the third sentence of the fifth paragraph under the subhead "Authority to Publish" are modified to read as follows: *"When the advertisement has run for the time ordered, the publisher of the newspaper will fill out the voucher attached to Department Form 6a and transmit it to the supervisor for certification, after which it will be forwarded to the district fiscal agent."*

## NOTICE OF AMENDMENT NO. 88.

Pages 35-S and 36-S. Instructions under the subhead "The Prospectus" are modified, effective January 1, 1916, by substituting for the third sentence on page 35-S the following: *"The main object of the prospectus is to interest operators at a distance who know nothing about the timber or the location and to furnish them with such data as they require in deciding whether to visit the tract and consider its purchase. For this reason it should include full information on the location, amount and quality of the timber, the topography of the tract, costs and methods of logging, data pertinent to marketing the finished product, such as market facilities, railroad routes and available market territories, and the minimum rates which will be accepted."*

Also by omitting on page 36-S the last sentence in the paragraph.

## NOTICE OF AMENDMENT NO. 89.

Page 46-S. Instructions under the caption "Refunds" are modified, effective January 1, 1916, by adding in the first sentence, after the word "duplicate," under the subhead "Procedure," the words "and a Form 24b," so that the sentence will read: *"The supervisor will prepare a Form 5a voucher in duplicate and a Form 24b to cover the refund."* Also in the seventh sentence in the same paragraph add "accompanied by Form 24b," after the words "transmit the voucher," so that the sentence will read: *"The original voucher will be executed by the depositor or his legal representative, or the rightful claimant, and the correctness of the amount certified by the forest supervisor, who will transmit the voucher, accompanied by Form 24b, to the district forester for approval."* Also by adding in the first sentence, in the second paragraph, after the word "refunds," the word "other than the return of Form 24b stamped 'paid,'" so that the sentence will read: *"No notice of refunds other than the return of Form 24b stamped 'paid' will be sent to the supervisor."*

## NOTICE OF AMENDMENT NO. 90.

Page 48-S. Instructions in the first line of the first paragraph under the caption "Special Uses in Sales" are modified, effective January 1, 1916, by substituting the words "*By the terms of a standard contract clause under the head 'Occupancy and Improvements,' Form 202,*" for the words "Under the standard contract clause, No. 16, Form 202."

## NOTICE OF AMENDMENT NO. 91.

Page 57-S. Instructions under the subhead "Order of Cutting" are modified, effective January 1, 1916, by substituting for the parenthetical statement in the last line "(See clause 13, Form 202)," the following: "*(See appropriate clause under head 'Logging,' Form 202.)*"

## NOTICE OF AMENDMENT NO. 92.

Page 58-S. Instructions under the caption "Marking" are amplified, effective January 1, 1916, by the addition of the words "*or scenic*" after the word "silvicultural" in the next to the last line in the fourth paragraph under the subhead "Methods of Marking."

Also by adding the following subhead and paragraph just before the subhead "Demonstration to Purchasers":

"Timber Reserved for Scenic Purposes.

*"Along prominent roads, on the borders of lakes, and at other points frequented by the public sufficient timber should be retained in marking to preserve the scenic beauty of the forest."*

## NOTICE OF AMENDMENT NO. 93.

Page 72-S. Instructions under the caption "Sales at Cost" are modified, effective January 1, 1916, by striking out the first paragraph under the subhead "When Refused."

## NOTICE OF AMENDMENT NO. 94.

Page 16-G. Instructions under Regulation G-4 are modified, effective January 1, 1916, by substituting the following for the first sentence of the third paragraph under the subhead "Determination of Initial Pro Rata Charge":

*"The approved total cost of construction will be divided by the total number of stock which the range will support to find the proportionate cost per head of stock."*

## NOTICE OF AMENDMENT NO. 95.

Page 49-G. Instructions under Regulation G-18 are modified, effective January 1, 1916, by adding the following as a second paragraph under the subhead "Purchase Through Foreclosure":

*"When a waiver of grazing preference is executed in connection with a mortgage, under agreement that it will be effective only in case of foreclosure, copies of all papers in the transaction should be filed with the forest supervisor."*

## NOTICE OF AMENDMENT NO. 96.

Page 61-G. Instructions under Regulation G-29 are modified, effective January 1, 1916, by striking out the second and third paragraphs under the subhead "To Reduce Loss of Live Stock," and the paragraph under the subhead "To Protect Game Animals from Extinction," and inserting in lieu of the latter paragraph the following four paragraphs:

*"Upon receipt of such report the district forester will submit a copy to the district inspector of the Biological Survey, with a request for such action as*



may be deemed advisable. In the event that the desired action can not be taken by the district inspector owing to lack of funds or the necessary authority, the matter will be submitted to the Forester, for presentation to the chief of the Biological Survey.

"All hunters appointed for the purpose of killing predatory animals on the National Forests will be employed by the Biological Survey, which bureau has a special appropriation for this purpose, and the work will be carried on under such plan as may be agreed upon between the district forester and the district inspector of the Biological Survey.

"Forest rangers and guards may hunt and trap predatory animals in connection with their regular work upon the Forests and, when no bounty or other extra compensation is received, will be furnished with ammunition, poisons, and traps by the Biological Survey.

"Reports of predatory animals killed will be made on Form 343 at such times as may be required by the forest supervisor. The final results of this work will be reported to the district forester in the annual statistical report (July 15). This report should include all predatory animals killed on each Forest by all forest officers."

#### NOTICE OF AMENDMENT NO. 97.

**Page 53-L.** Instructions under the caption "Roads and Trails" are modified, effective January 1, 1916, by the substitution of the following for the paragraph under the subhead "Free Use of Material for Public Roads":

*"The supervisor may, in his discretion, permit the free use of earth, gravel, and stone for the construction or repair of roads or trails when such roads or trails are a public benefit. (For regulations respecting the free use of timber for roads see Regs. S-27, S-33, and S-34)."*

#### NOTICE OF AMENDMENT NO. 98.

**Pages 63-L to 76-L.** The Claims chapter of the National Forest Manual was revised, effective November 20, 1915. The object of the revision was to bring the claims procedure into conformity with the "Joint Regulations Relating to Claims Procedure" promulgated August 5 by the Secretaries of Agriculture and the Interior, effective October 1, 1915. These Regulations will be found in the new Claims chapter now transmitted (see pp. 66-L to 68-L).

#### NOTICE OF AMENDMENT NO. 99.

**Page 82-L.** Instructions are modified, effective January 1, 1916, by adding the following sentence at the foot of the page: *"Applications for land in the National Forests of Alaska should be filed with the forest supervisor at Ketchikan, Alaska."*

#### NOTICE OF AMENDMENT NO. 100.

**Page 89-L.** Instructions were modified, effective October 19, 1915, by substituting for the second paragraph the following:

*"Lands valuable for the purpose of grazing only will not be listed, but where a given area embraces a sufficient acreage of arable land of the required quality to fully meet the minimum farm unit requirements, adjoining land valuable only for grazing purposes may be included to make the full 160 acres allowed under the homestead law, provided it is practicable to include it within reasonable farm boundary lines. It is understood, of course, that the completed unit must meet the requirements of the act of June 11, 1906, and be chiefly valuable for agriculture, not needed for public purposes, and the listing not injurious to the Forest. Small areas of timbered or nonagricultural land may be included to permit inclusion in one listing of bodies of agricultural land which otherwise would be rendered noncontiguous."*

## NOTICE OF AMENDMENT NO. 101.

Page 90—L. Instructions were modified, effective November 6, 1915, by inserting the following paragraph in advance of the subhead "Record on Tract Books of Final Action by Secretary or District Forester":

*"Special-use permits to occupy and use lands included in boundary projects which may result in elimination of the area applied for from the Forest should not be issued, except for uses purely of a temporary nature."*

## NOTICE OF AMENDMENT NO. 102.

Page 92—L. Instructions are modified, effective January 1, 1916, by adding the following subhead and paragraph to the page:

**"In Alaska.**

*"Applications are received by the forest supervisor at Ketchikan, Alaska. The above instructions for receiving, considering, and recording applications will be followed by the supervisor. He will also notify the applicant as above and inform the district forester of this action by sending him a carbon copy of the letter to the applicant and a township plat showing the location of the land. Excepting for the foregoing, the work in Alaska will follow the regular procedure."*

## NOTICE OF AMENDMENT NO. 103.

Page 93—L. Instructions were modified, effective October 19, 1915, by substituting the following for the paragraph under the subhead "Applications for Lands Proposed for Elimination":

*"Whenever a boundary project is decided upon, the examination of individual areas within the tract which may be eliminated should immediately be discontinued; but areas already examined should be disposed of in the usual manner, and applications should be received and recorded as usual, thereby protecting possible preference rights should the land be retained in the Forest. When the elimination is made all applicants concerned should be promptly notified. If the area is not finally eliminated, all recorded applications should be handled in the usual manner."*

## NOTICE OF AMENDMENT NO. 104.

Page 94—L. Instructions were modified, effective October 20, 1915, by inserting the following subhead and paragraph after the first paragraph:

**"Applications for Land Chiefly Valuable for Its Standing Timber.**

*"Applications for lands chiefly valuable for their present stand of merchantable timber will be rejected. Such applications will not be reinstated if the timber is cut and removed at a later period, but the land will be listed and opened to settlement and entry under the Forest Homestead Act without the naming of preferred applicants. This procedure is necessary in the interest of equal opportunity, and to prevent undue favoritism based upon inside information. The same principle will be followed in the case of administrative sites, first-form reclamation withdrawals, or other land so classified as to necessitate the rejection of the original application."*

## NOTICE OF AMENDMENT NO. 104.

Page 19—S. The instructions under the caption "Contract Conditions" are modified, effective January 1, 1916, by adding the following sentence to paragraph 4 under the subhead "Disposal of Slash": *"In all sales where such action will reduce the cost of brush disposal to the Government and will not delay burning, purchasers will be required to furnish the oil necessary."*



#### NOTICE OF AMENDMENT NO. 105.

Page 28-S. Instructions under the caption "Special Clauses for Sample Agreements and Sale Contracts" are modified, effective January 1, 1916, by adding the following sentence to Clause 43: "*We will also furnish oil for brush burning, without cost to the Government, if required by the forest officer.*"

Also by adding in Clause 44 the words "*free of charge*" after the word "slash," so that the clause will read:

"*The purchaser will burn the slash free of charge at such times and under such conditions as the forest officer in charge may prescribe.*"

#### NOTICE OF AMENDMENT NO. 106.

Page 29-S. Instructions under the caption "Special Clauses for Sample Agreements and Sale Contracts" are modified, effective January 1, 1916, by adding the following sentence to Clause 45: "*The purchaser will also furnish oil for brush burning, without cost to the Government, if required by the forest officer.*"





## NOTICE OF AMENDMENT NO. 107.

**Page 11-A.** Instructions under the subhead "Leave of Absence" are modified, effective April 1, 1916, by substituting for the last paragraph the following:

*"Every application for leave of absence without pay, whether for one day or longer, must state the specific reason therefor, and no application will be granted when the employee desires the leave of absence for the purpose of going into private or commercial business or employment."*

## NOTICE OF AMENDMENT NO 108.

**Page 22-A.** The instructions for carrying out the provisions of Regulation A-7 are given in full under a new subhead, "*Personal Supplies Furnished under Regulation A-7,*" immediately following Regulation A-7, on pages 22-A and 22-A<sup>1</sup>.

## NOTICE OF AMENDMENT NO. 109.

**Page 52-A.** Instructions under the subhead "Washington, District, and Supervisors' Offices" are modified, effective April 1, 1916, by substituting for the first three paragraphs the following:

*"Correspondence filed vertically in the miscellaneous section will be transferred at the end of the fiscal year or of the calendar year as the volume of correspondence and limitation of filing space may require, with the accompanying alphabetic guide cards, to wooden transfer units of the same size as the drawers used for the current file. The entire file from A to Z will be transferred. Correspondence filed alphabetically in horizontal filing drawers in the Washington office will be transferred as drawers are filled."*

*"Correspondence filed in the classified section, under administrative subjects but not under specific designated transactions, will be transferred to wooden transfer units at such periods as in the judgment of the assistant foresters in charge of the respective branches concerned, in the Washington office, or of the district foresters, in the respective districts, the nature of the business may require. The series of guides and subguides in the current and closed files will be identical. Each folder containing files to be transferred will be marked with the filing designation and the period covered, and placed behind the appropriate guide or subguide, with the folders arranged chronologically from back to front."*

*"Correspondence in specific designated transactions will be transferred as the transactions are closed to wooden transfer units labeled 'Closed file.' The folders will be arranged in the closed file in the same relative order as in the current file. When all the papers in each transaction in a series (as with grazing permittees) can be united with a single staple by the ordinary desk stapling machine, one folder marked with the office designation, class of cases, and name of permittee or user, may be devoted to all closed cases of this permittee or user, with the papers in each case stapled together, but when the bulk of the papers is such that they can not be united in this way a separate folder, with designation in full, will be used for each closed transaction. When more than one closed transaction are filed in the same folder the separate transactions will be filed chronologically from back to front."*

## NOTICE OF AMENDMENT NO. 110.

**Page 15-T.** Instructions under the caption "Ordinary Civil Cases" were modified, effective January 1, 1916, by adding the following sentence to the paragraph under the subhead "Initial Procedure": "*The supervisor should refer to his card record to determine whether the trespasser has previously committed a timber trespass.*"

## NOTICE OF AMENDMENT NO. 111.

**Page 15-T.** Instructions under the caption "Ordinary Civil Cases" were modified, effective January 1, 1916, by adding the following subheads and paragraphs after the instructions under the subhead "Procedure in District Office":

**"Settlement by the Supervisor.**

*"Supervisors may, in the discretion of the district forester, be authorized to settle first-offense cases in which timber involved does not exceed \$10 in*

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value without referring the papers to the district office for review. In such cases the supervisor will prepare the letter to the trespasser in accordance with the above instructions under the heading 'Procedure in District Office.'

**"Record of Timber-Trespass Cases.**

"A timber-trespass record card (Form 618) will be made out in the supervisor's office. If the case is settled by a sale or by free use, the card will be endorsed 'Settled under first-offense procedure.' Cases settled by free use or sale will not be reported as trespasses in the annual report (Form 446) but will be reported in accordance with the method of settlement."

**NOTICE OF AMENDMENT NO. 112.**

**Page 20-S.** Instructions under the general caption "Contract Conditions" were modified, effective January 1, 1916, by substituting for the subhead "Removal of Snags and Diseased Trees" and the first paragraph thereunder the following:

**"Removal of Dead and Diseased Trees.**

"The cutting of dead trees of a sufficient height to constitute a fire menace is a standard requirement in National Forest sales. (See standard clause 56.) Where the number of dead trees is large, this may be limited to a specified number per acre averaged for the sale area. (See standard clause 57.) In such cases the aim will be to concentrate the cutting of dead trees on strips or other areas where this form of protection is most urgent."

**NOTICE OF AMENDMENT NO. 113.**

**Page 20-S<sup>1</sup>.** Instructions under the subhead "Sales of Rapidly Deteriorating Timber" are amplified, effective April 1, 1916, by the addition of the following paragraph:

"In sales where the rate of deterioration is uncertain and consequently the total amount of timber which may be removed is doubtful, clause 4a should be used instead of specifying periodic cuts in the agreement. At the time the agreement is signed, the minimum cut for the first period of the sale will be specified in a letter from the proper forest officer to the purchaser and promise cards made for further notifications."

**NOTICE OF AMENDMENT NO. 114.**

**Page 21-S.** Instructions under the subhead "Cutting Period" are amplified, effective April 1, 1916, by the addition of the following paragraphs:

"4a. Unless extension of time is granted all timber will be cut and removed and the requirements of this agreement satisfied on or before -----

----- Cutting will begin not later than -----

(Date) (Date)  
and will be conducted with reasonable diligence. In order to prevent unnecessary loss of merchantable timber through deterioration, the purchaser shall cut such amounts of timber, or the timber from such areas, during such periods, as may from time to time be specified in writing, in advance, by the -----

(Forest officer)

"For use only in sales of rapidly deteriorating timber."

**NOTICE OF AMENDMENT NO. 115.**

**Page 22-S.** Instructions under the caption "Special Clauses for Sample Agreements and Sale Contracts" are modified, effective April 1, 1916, by adding as a new paragraph preceding Section (c) the following:

"The purchaser hereby agrees to furnish upon request of the district forester a statement—

(A)

Of the amount of lumber by species in the grades of the -----

as specified above with prevailing prices for each designated grade—

(B)

Of the amount and average value of -----

(Specify minimum grade) -----  
as defined by the grading rules of the -----, issued ----- and  
better grades of rough and finished lumber, not including factory products of lumber, which he has—



produced in his operation on the sale area and on lands bearing similar timber during the three calendar years preceding each of the dates above specified for readjustment of stumpage prices."

#### NOTICE OF AMENDMENT NO. 116.

Page 23-S. Instructions under the caption "Special Clauses for Sample Agreements and Sale Contracts" are modified, effective April 1, 1916, by adding as a second paragraph, under section (e), the following:

*"The purchaser hereby agrees to furnish upon request of the district forester a statement by species of the amount, grade (if any), and value received for each class of material cut under this agreement and manufactured or sold by him in other forms than those specified in paragraph (b) of this clause."*

#### NOTICE OF AMENDMENT NO. 117.

Page 27-S. Instructions under the subhead "Use of Defective Trees" were modified, effective January 1, 1916, by adding in the first line of clause 21 the words "living and dead" and "which in the judgment of the forest officer," so that the clause will read:

*"21. All living and dead defective trees which in the judgment of the forest officer contain one or more merchantable logs scaling one-fourth of the total volume of the tree will be cut if required by the forest officer and the merchantable portion utilized by the purchaser."*

#### NOTICE OF AMENDMENT NO. 118.

Page 29-S. Instructions under the subhead "Disposal of Slash" were modified, effective January 1, 1916, by adding in the second sentence of clause 40 the words "all designated living trees and all dead trees will be felled and all," so that the sentence will read:

*"Within such fire lines all designated living trees and all dead trees will be felled and all inflammable material, including brush, reproduction, and debris, will be piled and burned."*

#### NOTICE OF AMENDMENT NO. 119.

Page 30-S. Instructions under the subhead "Protective Measures—Locomotives and Donkey Engines" were modified, effective January 1, 1916, by omitting in the third line of clause 49 the words "snags and," so that the first sentence will read:

*"(49). Whenever necessary, in the judgment of the forest officer, the purchaser will clear and keep clear railroad rights of way of all inflammable material, including dead trees, for a distance of ----- feet on each side of the center of main and spur tracks in such manner and at such times as may be designated by the forest officer in charge."*

Also under the same subhead by omitting in the second line of clause 53 the words "snags and," so that the first sentence will read:

*"(53). At each setting of each donkey engine or other steam-logging contrivance the ground will be cleared of all inflammable material, including dead trees, for a distance of ----- feet in all directions."*

#### NOTICE OF AMENDMENT NO. 120.

Page 30-S<sup>1</sup>. Instructions under the subhead "General Fire Protective Measures" are modified, effective April 1, 1916, by adding to the second sentence of clause 55 the words "and other employees," so that the sentence will read: "Forest officers and other employees riding on logging trains," etc.

Also by adding the following paragraph after clause 55:

*"When the above clause is used the words 'including the furnishing of special trains or other special service, as herein provided,' should be inserted in clause 17 of form 202 after the words 'Provided, That the maximum expenditure for fire fighting without remuneration in any one calendar year, at rates of pay determined as above, will not exceed \$-----'."*

#### NOTICE OF AMENDMENT NO. 121.

Page 30-S<sup>1</sup>. Instructions under the subhead "Protective Measures—Snags, Insects, Diseased or Undesirable Trees" were modified, effective January 1, 1916, by substituting for clause 57 the following:

*"(57). We agree to cut all marked diseased trees and all standing dead trees on the sale area: Provided, that the number of unmerchantable trees to April 1, 1916.*

be so cut shall not exceed an average of ----- per acre on the sale area as a whole. Such trees after felling will be opened up sufficiently to satisfy the forest officer in charge of their contents, and any portions thereof which are merchantable in the judgment of the forest officer in charge will be removed, scaled, and paid for."

#### NOTICE OF AMENDMENT NO. 122.

**Page 48-S.** Instructions under the subhead "Procedure" are modified, effective April 1, 1916, by substituting for the present paragraph the following:

"Applications for emergency sales will be submitted to the district forester, who will pass on them unless the emergency sale will be part of a Class E sale or unless the amount is more than 5,000,000 board feet in which cases the district forester will submit the application to the Forester for approval. The application should, whenever possible, be in the form of an executed emergency sale agreement, but, when necessary, a letter or telegram may be substituted. All applications should state the amount and location of the timber, the stumpage rates at which it will be advertised, and the conditions creating an emergency. The emergency sale agreement will be approved by the supervisor, after the application has been passed on by the district forester, if the total amount of timber being advertised is within the supervisor's authorization to approve sale contracts. Otherwise the emergency sale agreement will be approved by the district forester if the total amount being advertised would constitute a Class D sale, or by the Forester if the total amount being advertised would constitute a Class E sale."

#### NOTICE OF AMENDMENT NO. 123.

**Page 51-S.** Instructions under the subhead "Procedure" are modified, effective April 1, 1916, by substituting the following for the first two paragraphs:

"No forest officer has authority to modify any agreement verbally. Waivers of time limits will be made on Form 496. Other modifications in unadvertised sales will be approved by letter or by use of the form given below where advisable. If, in any sale, a contract clause relating to advance payments, periodic cuts, logging methods, brush disposal or similar conditions of the sale, expressly provides that its terms may be changed in writing by a forest officer, the modification may be effected by a letter from the proper forest officer to the purchaser indicating clearly the manner in which the clause is changed. For all other modifications the form given below will be used.

"Where a bond has been furnished the consent of sureties must be secured before any modification of agreement is approved, unless such consent is specifically waived in the bond itself, or unless the modification affects a small amount of material, and the sale is in such satisfactory condition that the continuation of the bond is unnecessary. The consent of sureties also need not be secured when the clause of the contract to be modified specifically provides that its provisions may be changed in writing by a forest officer. However, a copy of the forest officer's letter to the purchaser covering the modification should be sent to the sureties, or their attorney in fact."

Also the first sentence in the seventh paragraph under the same subhead is modified to read as follows:

"In all cases applications to modify agreements and drafts of letters changing requirements of clauses in contracts when the clauses provide that this may be done will be submitted by or through the district forester to the district assistant to the solicitor for legal review before approval."

#### NOTICE OF AMENDMENT NO. 124.

**Page 51-S.** Instructions under the subhead "Forms" are modified, effective April 1, 1916, by substituting for the second paragraph the following:

"The following form, varied as required by conditions, will be used in making all modifications that are not authorized to be made by letter or on Form 496.

April 1, 1916.



## NOTICE OF AMENDMENT NO. 125.

**Page 54-S.** The instructions under the subhead "When of Advantage to the United States or Not Prejudicial to Its Interests" are modified, effective April 1, 1916, by substituting for the first two paragraphs the following:

*"Agreements may be canceled when the uncut portion of the sale area is to be included in a new agreement under equally or more advantageous terms to the United States, as in case of a sale of an operating plant to a buyer who wishes to secure the timber remaining uncut. In cancellations of this kind the application (form on page 55) will not ordinarily be approved until the new agreement has been executed. The approval of the application for cancellation should then precede the approval of the new agreement."*

## NOTICE OF AMENDMENT NO. 126.

**Page 66-S.** Instructions under the subhead "Minimum Charges" are modified, effective April 1, 1916, by substituting for the last sentence the following: *"The minimum charge in sales of timber for the personal use of the purchaser will be \$1. This minimum will not apply to sales made under Regulation S-22."*

## NOTICE OF AMENDMENT NO. 127.

**Page 73-S.** Instructions under the subhead "Procedure" are modified, effective April 1, 1916, by substituting for the present text the following:

*"The procedure will follow that in Class A and B sales, except as follows:*

*"Form 615a will be prepared in quadruplicate. The original will be signed by the purchaser, returned to the forest officer approving the sale, and sent by him to the supervisor who will file it with his timber sale record cards. The duplicate will be signed by the purchaser and sent by him to the district depository with the deposit. On its return the supervisor, after making the proper notations on his copy, will return it to the purchaser through the forest officer. The second carbon will be retained by the forest officer for his files. The third carbon will be retained by the forest officer until cutting is completed, when he will fill in the cutting report and forward it to the supervisor, who will enter the information on the original and destroy the third carbon. Unless questioned by the supervisor, the case will be considered closed when the cutting report is received.*

*"The rates for payment if the timber is sold or exchanged, are twice the appraised values, and these doubled rates will be inserted in the agreement. This payment will be regarded as liquidated damages and not as a penalty.*

*"Form 861 will be used to accompany any deposits after the first.*

*"Cutting may begin as soon as the forest officer receives the signed original and has evidence that the deposit has been sent to the district depository."*

## NOTICE OF AMENDMENT NO. 128.

**Page 77-S.** Instructions under the subhead "By Individuals" were modified, effective January 1, 1916, by substituting for the first sentence of the second paragraph the following:

*"Free use may be allowed to anyone under the provisions of Regulation S-34, for the construction of roads, bridges, trails, and other improvements of value for the protection or administration of the National Forest equal to the value of the timber used."*

## NOTICE OF AMENDMENT NO. 129.

**Pages 77-S and 78-S.** Instructions under the general caption "Authorized Uses" were modified, effective January 1, 1916, by omitting the subhead "By Associations" and the paragraphs thereunder.

## NOTICE OF AMENDMENT NO. 130.

**Page 78-S.** Instructions under the subhead "By Other Federal Departments" were modified, effective January 1, 1916, by inserting the word "and"

after (act of Feb. 8, 1905) and omitting from the second sentence the words "This does not apply, however, to timber used under," so that the paragraph will read:

*"Free use may be authorized by the Secretary of Agriculture in carrying out the provisions of the national irrigation act (act of Feb. 8, 1905), and the act of February 21, 1911 (36 Stat., 925), which authorizes the enlargement of projects at the cost of private cooperators."*

#### NOTICE OF AMENDMENT NO. 131.

Page 78-S. Instructions under the subhead "When Refused" were modified, effective January 1, 1916, by omitting the first paragraph and substituting for the second and third ones the following:

*"Unless such action is necessary under the provisions of Regulation S-34 to remove a menace to the Forest, timber will not be granted free for commercial purposes, or for use in any business, as by sawmill operators, producing mines which are clearly beyond the prospect stage, proprietors of stores or hotels, companies, or corporations. An officer or stockholder of a corporation, however, is not debarred from free use for his own home; and free timber should not be refused the proprietor of a small hotel or store if it will be used chiefly by himself and his family."*

*"Unless granted under the provisions of Regulation S-34, free use of material by other parties or for other purposes than those mentioned in Regulation S-27 is not authorized by law."*

#### NOTICE OF AMENDMENT NO. 132.

Page 83-S. Instructions under the subhead "No Charge Permits" were modified, effective January 1, 1916, by substituting for the first two paragraphs the following:

*"Except for material used by the permittee for improvements in connection with the occupancy of the ground or otherwise, no charge will be made for timber cut in connection with noncommercial uses which are of benefit to the National Forest fully equal to the value of the stumpage, such as roads, bridges, telephone lines, and trails."*

Also, paragraph 3, under the same subhead, has been changed, effective January 1, 1916, to read as follows:

*"The right of permittees to free timber for improvements or for removal and use elsewhere will be determined under the instructions on free use and administrative use. (See "Authorized Uses, pp. 77 and 78.) Payment will be required for timber whose logging and sale are practicable, which is cut and not utilized in connection with all commercial uses and those noncommercial uses in which there is not an equivalent benefit to the National Forest. Where a stumpage price is necessary, the timber will be appraised as in sales, subject to a minimum price equivalent to the estimated cost of administration."*

#### NOTICE OF AMENDMENT NO. 133.

Page 83-S. Instructions under the subhead "Stumpage Price for Merchantable Timber" were modified, effective January 1, 1916, by substituting the following for the first sentence:

*"Timber cut, damaged, or destroyed in connection with commercial uses, such as railroad rights of way and noncommercial uses which will not benefit the administration or protection of the National Forest to an amount equal in value to the stumpage destroyed, will be appraised in accordance with the standard methods followed in sales."*

#### NOTICE OF AMENDMENT NO. 134.

Page 87-S. Instructions under the subhead "Purpose" were modified, effective January 1, 1916, by substituting for the first two paragraphs the following:

*"Timber may be disposed of under administrative use by sale, free use, or otherwise: (1) to remove a menace from insects, fire, or disease; (2) to conduct thinnings, or other improvement cuttings, such as the removal of defective trees to secure increased growth in the stand; (3) to construct, maintain, or*



repair roads, bridges, trails, telephone lines, and other improvements of value for the protection or administration of the Forest built by forest officers, co-operators with the Service, or special-use permittees; (4) to conduct investigations in silviculture or forest products.

"Timber may be cut without charge under administrative-use permits or cooperative agreements with parties not entitled to free use where its cutting or disposal for the construction of improvements, such as roads, bridges, trails, and telephone lines, will be of benefit to the Forest fully equal to the value of the stumpage, and where title to the timber will in effect remain in the United States. Timber may be cut without charge for similar purposes and under similar conditions by special-use permittees. Such cutting will be covered by the timber-settlement clauses of occupancy permits, but is essentially an administrative use. (See 'Timber Settlement.')

#### NOTICE OF AMENDMENT NO. 135.

Page 88-S. Instructions under the subhead "Methods of Disposal" were modified, effective January 1, 1916, by adding as a second paragraph the following:

"When material whose removal is necessary to effect desirable thinnings or improvement cuttings can not be sold or removed under free-use permits, it may be disposed of free of charge by administrative-use permit."

#### NOTICE OF AMENDMENT NO. 136.

Page 88-S. Instructions under the subhead "Report of Timber Cut" were modified, effective January 1, 1916, by substituting for the second line the words "that cut in thinnings and improvement cuttings or used for Forest improvements, will be," so that the first sentence will read:

"Timber cut under administrative use, for which no charge is made, except that cut in thinnings and improvement cuttings or used for Forest improvements, will be included in the ranger's annual free-use reports to the supervisor."

#### NOTICE OF AMENDMENT NO. 137.

Page 88-S. Instructions under the subhead "Supervision of Cutting" are modified, effective April 1, 1916, by substituting for the second sentence the following:

"Timber cut under administrative use will ordinarily be scaled, counted, or measured, and stamped, but if used for Forest improvements without charge, either by forest officers, co-operators with the Service or special-use permittees, or if cut and not utilized for any purposes, it should not be scaled or stamped. If removed under a no-charge permit, the amount may be estimated when necessary to avoid excessive cost of scaling and stamping."

#### NOTICE OF AMENDMENT NO. 138.

Page 89-S. Instructions under the subhead "Form of Permit" were modified, effective January 1, 1916, by making the following changes: Substituting for the second paragraph the following:

"This permit is issued in accordance with the authority of the Secretary of Agriculture to dispose of timber whose use or removal is necessary to protect the Forest from injury, or to improve conditions for growth, or for the construction of improvements of value for the protection or administration of the Forest."

Also by substituting for the explanatory note under the fifth full blank line under the centerhead "Administrative-use Permit" the following:

"(Where timber to be cut is dead, insect-infested, or diseased, describe nature of injury, such as fire, attack by insects, fungus, mistletoe, etc.)"

Under the same head, in the eighth line, the words "to protect the Forest from ravages or destruction" have been superseded by the following: "for the  
-----of the Forest."  
(protection, administration, or improvement)

The last paragraph under the same head has been superseded by the following:

*"This permit is issued in accordance with the authority of the Secretary of Agriculture to dispose of timber whose use or removal is necessary to protect the Forest from injury, or to improve conditions for growth, or for the construction of improvements of value for the protection or administration of the Forest."*

#### NOTICE OF AMENDMENT NO. 139.

Pages 47-L to 62-L. Instructions in the Special Uses Chapter of the National Forest Manual are modified, effective April 1, 1916, through a complete revision, embodied in new instructions which are substituted for the old.

#### NOTICE OF AMENDMENT NO. 140.

Page 91-L. Instructions under the subhead "Closing Settlement Cases" are modified, effective April 1, 1916, by striking out all of the second sentence in the second paragraph.

#### NOTICE OF AMENDMENT NO. 141.

Pages 91-L and 92-L. Instructions under the subhead "Indian Allotment Under act of June 25, 1910 (36 Stat., 855)" are modified, effective April 1, 1916, by substituting new instructions relating to Indian Allotments.

#### NOTICE OF AMENDMENT NO. 142.

Page 92-L. Instructions under the caption "Procedure in District Office" are modified, effective April 1, 1916, by substituting for the second paragraph the following:

*"Nonactionable cases embrace those for lands covered by applications already of record; lands embraced in a first-form withdrawal under the reclamation act; patented lands; lands embraced in a subsisting unperfected entry (unless applicant has initiated a contest); lands classified as nonlistable; areas in excess of 160 acres; noncontiguous tracts; administrative sites; those not in the form prescribed by Regulation L-51; and those approved for elimination."*

#### NOTICE OF AMENDMENT NO. 143.

Page 95-L. Instructions under the caption "Procedure in District Office" (p. 92) are modified, effective April 1, 1916, by striking out the subhead "Application in Conflict with Selected Administrative Sites" and the paragraph thereunder.

#### NOTICE OF AMENDMENT NO. 144.

Page 21-A. Instructions under the subhead "Forage" are modified, effective July 1, 1916, by substituting the following for the first paragraph and form of certification:

*"When the estimated cost of forage and stabling of horses owned by forest officers necessary to carry on their field duties exceeds \$50 per annum, the excess above the \$50 per annum will be paid by the Forest Service upon the certification of the supervisor. The form of such certification will be as follows:*

*"I hereby certify that this expenditure is to cover cost of forage in excess of the estimated amount of \$50 per annum for the use of \_\_\_\_\_,  
an employee of the Forest Service.*

*"\_\_\_\_\_,"  
"Supervisor."*



## NOTICE OF AMENDMENT NO. 145.

**Page 13-A.** Instructions under the subhead "Ranger Eligibles for Protective Work Appointed Guards" are modified, effective July 1, 1916, by substituting for the words "recommended for appointment" in the second line the word "employed," and by substituting for the words "recommending the appointment of" in the third line the word "employing," so that the paragraph will read:

*Men required for periods not extending beyond the usual field season, on protective work only, should be employed as forest guards, whether on the eligible list or not. In employing guards, however, supervisors are not required to select men from the ranger register unless such men are locally available.*

## NOTICE OF AMENDMENT NO. 146.

**Page 14-A.** Instructions are modified effective July 1, 1916, by adding the following new paragraph headed "Reports on Probational Appointees" following the paragraph headed "Administrative Letters":

### **Reports on Probational Appointees.**

*During probation three reports on the quality of the employee's services are required. For logging engineers, forest assistants, and rangers these reports will be made promptly at the end of the sixth, ninth, and eleventh months, and for all other employees at the end of the first, third, and fifth months. If the services of the probationer during the period covered by the report are entirely satisfactory, a statement to that effect in the answer to question 8 on the prescribed form will be sufficient, but when this is not the case a concise statement of the respects in which the probationer's services fall short of being satisfactory should be given. In the final report a definite recommendation will be made in the answer to question 9 as to the probationer's fitness for absolute appointment. If the recommendation is adverse, the final report will be accompanied by a formal recommendation that the appointment be terminated. A sufficient number of carbon copies of each report should be made to furnish one for the file of the supervisor or other superior officer making the report, one for the district or Madison office file, and one to be sent to the Forester with the report bearing original signature.*

## NOTICE OF AMENDMENT NO. 147.

**Page 14-A.** Instructions are modified, effective July 1, 1916, by adding the following two new paragraphs headed respectively "Termination of Appointments of Temporary Employees" and "Resignations," following the paragraph headed "Time Limit to Suspension Pending Disciplinary Action":

### **Termination of Appointment of Temporary Employees.**

*When the termination of the appointment of a temporary employee is recommended because of the completion of the work for which he was engaged and not because of inefficiency or misconduct, the reason given in the formal recommendation should be as follows: "The services of this temporary employee are no longer needed because of the completion of work." When the action is recommended because of misconduct or unsatisfactory services, the reason should be as follows: "The termination of this temporary appointment is recommended because the employee's services are unsatisfactory in the following respects:" adding a concise explanatory statement.*

### **Resignations.**

*Recommendations for the acceptance of resignations should in every case state whether the resignation is voluntary or is submitted in response to a request. In the first case the reason given in the recommendation should be: "This resignation is voluntary." When the resignation has been requested the reason should be given as follows: "This resignation is submitted in response to a request made because of the unsatisfactory character of the employee's services in the following respects:" adding a concise explanatory statement.*

## NOTICE OF AMENDMENT NO. 148.

**Page 14-A.** Instructions under the subhead "Removals and Reductions" are modified, effective July 1, 1916, by substituting the following three paragraphs for the present one:

*Removals or reductions may be made for any cause which will promote the efficiency of the Service, but like penalties must be imposed for like offenses and no discrimination for political or religious reasons is permitted. When in the judgment of the district forester action is necessary looking to the removal of an employee in the classified service, the district forester will submit a report to the Forester accompanied by all the evidence in the case, the papers being submitted in duplicate. The reasons for the proposed removal, together with any charges preferred against him, will be presented in writing to the employee by the Secretary of Agriculture, and the employee will be allowed sufficient time for answering the same in writing, and for the filing of affidavits in support of his answer; but no examination of witnesses nor any trial or hearing is required except in the discretion of the Secretary of Agriculture. If the charges are sustained, the formal recommendation will be prepared in Washington.*

*If removal during the probational period, or termination of appointment at the end of this period, is proposed, the report of probational services will be accompanied by a formal recommendation that the appointment be terminated, in which the reasons given will be in exact accordance with the statements made in the report. The recommendation will be accompanied by two copies of a letter written by the proper officer to the probationer informing him of the respects in which the services are unsatisfactory and that the termination of the appointment is being recommended to the Secretary of Agriculture.*

*When reduction in grade or salary for either administrative or disciplinary reasons is proposed, the reasons for the action should be stated to the employee in writing by the district forester, but it is not required that the employee be called upon to answer such reasons. The formal recommendation for the reduction, however, which should give a concise statement of the reasons for the proposed action, should be accompanied by a copy of this communication, in duplicate.*

## NOTICE OF AMENDMENT NO. 149.

**Page 14-A.** Instructions under the subhead "Authority to Sign or Transfer" are modified, effective July 1, 1916, by substituting the following paragraph for the present one:

*The supervisor has authority to assign or transfer men on the Forest of which he has charge, but transfers to other Forests, after being arranged tentatively, must be approved by the district forester and must be reported to the Forester when the transfer is made. The transfer of technical employees to or from research work or grazing studies within or between districts, after being arranged for tentatively by the district foresters, must be approved by the Forester. The district foresters may arrange for the transfer between districts of rangers and clerks, and of technical employees when research work or grazing studies are not affected, but such transfers should be reported to the Forester when made, and, if they involve changes in the district allotments, the district forester will at once recommend the necessary increase or decrease in the district allotments. The assignment or transfer of executive officers, such as assistant district foresters or supervisors, within or between districts, may be arranged for tentatively by the district foresters, but must be approved by the Forester.*

## NOTICE OF AMENDMENT NO. 150.

**Page 11-T.** Instructions under the subhead "Condonation of Trespass by Issuance of Permit" (p. 10-T) are modified, effective July 1, 1916, by adding in the last line after the word "Forest" the following sentence: "*In all cases the fee charged should be in accordance with the provisions of Regulations G-9.*"



## NOTICE OF AMENDMENT NO. 151.

Page 18-S. Instructions under the subhead "Stumpage Appraisals" are amplified, effective July 1, 1916, by the addition directly before the caption "Contract Conditions" of the following:

*Stumpage appraisals are required by law for the purpose of establishing prices at which National Forest timber will be advertised for sale. They are not guaranteed, and prospective purchasers should be informed that the Forest Service assumes no responsibility for their accuracy or for the success or failure of the operations of purchasers. It is expected that each applicant or bidder will make his own examination and estimate of logging costs and the quality of the timber, and will determine for himself whether he wishes to purchase the timber at or above the price at which it is offered for sale. By the execution of a sale contract the purchaser assumes full responsibility for the success of his operation under the prices and other conditions stated therein. The data in appraisal reports may be shown or furnished to prospective purchasers with a statement that the Forest Service will not be responsible for their accuracy.*

## NOTICE OF AMENDMENT NO. 152.

Page 47-S. Instructions under the subhead "Procedure" are modified, effective July 1, 1916, by the addition of the following to the first paragraph: "*and a copy of the application for transfer of deposits will be forwarded immediately to the district fiscal agent.*"

## NOTICE OF AMENDMENT NO. 153.

Pages 55-S and 56-S. Instructions are modified, effective July 1, 1916, by substituting for the subhead "For Error in Appraisal" and all of the subject matter under it, the following:

### **When Required in Equity to the Purchaser.**

*When, in the judgment of the district forester, the conditions of contract are so onerous that he believes reconsideration should be given to them in equity to the purchaser, he will report the facts to the Forester with his recommendation.*

[By this change the matter on page 56-S<sup>1</sup> has been transferred to page 56-S. Page 56-S<sup>1</sup> may, therefore, be destroyed.]

## NOTICE OF AMENDMENT NO. 154.

Page 97-S. Instructions under the subhead "Seed Receipts and Shipments" are modified, effective July 1, 1916, by adding to the paragraph the following:

*A copy of Form 342 should be filled out and placed within each seed container when any seed is received not accompanied by this form, or is shipped, or when a change is made in the quantity in any container.*

## NOTICE OF AMENDMENT NO. 155.

Page 5-G. Instructions under the caption "Authorizations" (p. 4-G) are modified, effective July 1, 1916, by substituting the following: For the second subhead "*Authorization Must not be Exceeded,*" for the third subhead "*Stock Chargeable Against Authorization,*" for the fourth subhead "*Stock not Chargeable Against Authorization,*" for the fifth subhead "*Authorizations on New Forests or Additions.*"

The word "allowed" in the second line under the subhead "Stock Chargeable Against Authorization," is changed to "authorization."

Under the same subhead a new paragraph has been added as follows:

*When a portion of a Forest is placed under the administrative control of the supervisor of another Forest, if the stock are to use the adjacent Forest for the entire season, the number for which paid permits is issued should be charged to the authorization of the Forest furnishing the grazing, and the supervisor issuing the permit should furnish two copies of the permit to the other supervisor for his information. (See "Range in Two Forests," p. 30.)*

The word "allotment," in the last line under the subhead "Stock not Chargeable Against Authorization," is changed to "authorization."

## NOTICE OF AMENDMENT NO. 156.

**Page 13-G.** Instructions under the caption "Organization" (p. 12-G) are modified, effective July 1, 1916, by inserting the following subhead and paragraph between the paragraphs under the subheads "Majority Association" and "Minority Association":

### **What Constitutes a Majority.**

*For their first year new permittees will be required to comply with all special rules previously approved by the district forester, although by the addition of a number of new permittees the association may not represent for that season a majority of the permittees. The phrase "majority of the permittees" will therefore mean a majority of the permittees for the preceding grazing season.*

## NOTICE OF AMENDMENT NO. 157.

**Page 14-G.** Instructions under the caption "Organization" (p. 12-G) are modified, effective July 1, 1916, by inserting the following subhead and paragraph just before the subhead "Card Record":

### **Notice of Assessments.**

*Assessments levied by associations under this regulation for herding, salting, or other purposes, under the special rules approved by the district forester, must be paid before the permit will be issued or before renewal of permit will be granted the following year in Forests where the advisory board desires the assessment be collected at the close of the grazing season.*

*Notice that such assessments being due should be typed on the reverse side of Form 861-G or on a slip attached to it, in order that the permittee may be fully informed. (See also page 45, "Special Rules Must be Incorporated.")*

Add to the instruction under the subhead "Changes in Personnel, Constitution, and By-laws," after the words "Forest Service," in the seventh line, the words: "or in minority associations where the ownership of stock has dropped below the required 7-per cent."

## NOTICE OF AMENDMENT NO. 158.

**Page 19-G.** Instructions under the caption "Instructions and Procedure" are modified, effective July 1, 1916, by adding the following subhead and paragraph just before the subhead "Crossing to Private Lands":

### **Ownership of Stock.**

*Stock grazed under this regulation as well as under other regulations must be owned by the person or persons to whom the permit is issued.*

## NOTICE OF AMENDMENT NO. 159.

**Page 32-G.** The subhead "Nonuse of Range" and the three paragraphs thereunder are transferred from page 39-G and are inserted following the paragraph under the subhead "Residence."

## NOTICE OF AMENDMENT NO. 160.

**Page 36-G.** Instructions under the subhead "Temporary Use of Range" are modified, effective July 1, 1916, by adding after the words "red ink" in the last line of the last paragraph the sentence: "See also 'Methods of Approval,' p. 31.)"

Also by adding after the word "preferences" in the last line of the last paragraph under the subhead "When Temporary Permits Become Permanent" the sentence: "(See also 'Preferences Gained Under Temporary Permit,' p. 39.)"

## NOTICE OF AMENDMENT NO. 161.

**Page 39-G.** Instructions under the subhead "Preferences Gained Under Temporary Permits" are modified, effective July 1, 1916, by adding after the word "renewable" in the last line of the second paragraph the sentence: "(See also 'When Temporary Permits Become Permanent,' p. 36.)"



#### NOTICE OF AMENDMENT NO. 162.

Page 63-G. Instructions under the caption "Protection of Game, Fish, and Birds" (p. 62-G) are modified, effective July 1, 1916, by substituting for the second and third sentences under the subhead "Cooperation with States" (p. 62-G) the following:

*To accomplish this the district forester may, at his discretion, agree with the proper State officers upon a definite plan of cooperation with stipulation of the conditions under which all forest officers will enforce the State game laws, and certain forest officers who may be named by the district forester will accept appointments as deputy game wardens and arrest and prosecute persons found to be violating the game laws.*

#### NOTICE OF AMENDMENT NO. 163.

Page 63-G. Instructions under the subhead "States that do not Cooperate with the Forest Service" are modified, effective July 1, 1916, by omitting the last paragraph under this subhead.

#### NOTICE OF AMENDMENT NO. 164.

Page 63-G. Instructions under the subhead "Fees and Bounties" are modified, effective July 1, 1916, by substituting the following for the present paragraph:

*Forest officers and employees are prohibited from accepting bounties offered by States, counties, associations, and individuals for predatory animals killed; nor will they be allowed to accept any fees or fines or parts of fines on account of the enforcement of State game laws. Forest officers and employees may retain the hides of all animals destroyed by them.*

#### NOTICE OF AMENDMENT NO. 165.

Page 1-D to 41-D. The Accounting Section of the National Forest Manual is modified, effective July 1, 1916, through a complete revision, embodied in new instructions which are substituted for the old. The old leaves may, therefore, be destroyed.





## NOTICE OF AMENDMENT NO. 166.

**Page 6-S.** Instructions under the subhead "From Lands of Unsettled Status" are modified, effective October 1, 1916, by the addition of a new clause in the bond form immediately preceding the paragraph beginning "Now, therefore, if the said," etc.

## NOTICE OF AMENDMENT NO. 167.

**Page 56-S.** Instructions under the subhead "Procedure" are modified, effective October 1, 1916, by the substitution of the following for the second paragraph:

*When a sale has been abandoned or repudiated or the contract has expired before the conditions of sale have been fulfilled and the purchaser or surety has paid the outstanding damages voluntarily or following legal proceedings, the contract is at an end and the case may be closed. If the examination of the sale area indicates that the United States has sustained no damages and that the sale may be closed without prejudice to its interests, this action may be taken with the approval of the superior of the officer who approved the original agreement or by the Forester. No case will be submitted to the Forester, however, in sales of less than 3,000,000 feet.*

## NOTICE OF AMENDMENT NO. 168.

**Page 59-S.** Instructions under the subhead "Scale Rule" are modified, effective October 1, 1916, by substituting the following for the first two sentences:

*All saw timber will be scaled by the Scribner Decimal C log rule or measured by the cubic foot. The Scribner Decimal C log rule drops the units and gives the contents of a log to the nearest 10 board feet.*

## NOTICE OF AMENDMENT NO. 169.

**Page 60-S.** Instructions under the subhead "Stamping Logs" are modified, effective October 1, 1916, by substituting the following for the second sentence:

*Logs so defective as to be unmerchantable for any product under the terms of the contract will be plainly marked in one of the following ways as prescribed by the district forester: (1) with the U. S. stamp and a circle around the stamp thus: (U S); (2) with the word "Cull" and the initials of the scaler.*

Also the instructions under the subhead "Log Lengths in Scaling" are modified, effective October 1, 1916, by adding the following sentence at the end of the paragraph:

*Exception to this requirement is also made for 17 and 18 foot mining timbers on the Black Hills Forest which will be scaled as one log.*

## NOTICE OF AMENDMENT NO. 170.

**Page 61-S.** Instructions under the subhead "Check Scaling" are modified, effective October 1, 1916, by substituting the following for the third paragraph:

*Ordinarily a check scale on sound logs should come within 1 per cent of the original scale; on logs up to 10 per cent defective, within 2 per cent; on logs 11 to 20 per cent defective, within 3 per cent; and on logs over 20 per cent defective, within 5 per cent. As far as practicable the check scale should be made under the same conditions as the original scale. These percentages are intended simply as approximate standards of satisfactory scaling for the guidance of forest officers, not as a basis for changing the original scale.*

The instructions under the subhead "Check Scaling" are modified, effective October 1, 1916, by adding the following sentence at the beginning of the fourth paragraph:

*The findings of check scalers will be reported uniformly to the district forester.*

Also the instructions under the subhead "Check Scaling" are modified, effective October 1, 1916, by substituting the following sentences for the last sentence in the fifth paragraph:

*Check scale figures may be submitted in the form considered most satisfactory by the district forester for the analysis. The following summary form will be found satisfactory in most cases:*

#### NOTICE OF AMENDMENT NO. 171.

Page 63-S. Instructions under the subhead "Report of Timber Sold and Cut" are modified, effective October 1, 1916, by substituting for the third sentence of the first paragraph the following:

*All timber for which payment is made, whether cut in sales, administrative use or settlements, or scaled under the provisions of penalty scale, will be included.*

#### NOTICE OF AMENDMENT NO. 172.

Page 64-S. Instructions under the subhead "Converting Factors" are modified, effective October 1, 1916, by substituting a new table of converting equivalents for the old.

#### NOTICE OF AMENDMENT NO. 173.

Page 83-L. Instructions under the subhead "Entry of Status on Tract Book" are modified, effective October 1, 1916, by substituting new legend and footnote for the old legend and paragraph at foot of page.

#### NOTICE OF AMENDMENT NO. 174.

Page 20-A. Instructions are modified, effective September 15, 1916, by substituting the following subhead and paragraph for the subhead "Compulsory Resignation" and paragraph thereunder:

*Resignation in Preference to Answering Charges.*

*When the usefulness of an employee is at an end by reason of misconduct or inefficiency which merits separation from the service but does not necessitate subjecting him to the stigma of removal if he is willing to resign, he should be informed of the respects in which he is deficient and, at the same time, that before final action is taken he is entitled under the law to have charges preferred against him and an opportunity to answer them; that without prejudice or foreclosure of the case the usual course of charges and answer will be pursued if he so prefers, but that in view of his previous record if his resignation is voluntarily tendered its acceptance by the Secretary will be recommended; that, on the other hand, if he prefers not to resign he will not be prejudiced thereby, that a recommendation will be made to the Secretary that formal charges be preferred against him, and that if this recommendation is approved and such action taken he will have a full opportunity to submit an answer to the charges, the answer being considered on its merits by the Secretary before a conclusion is reached.*

*If the employee resigns, all papers in the case should accompany the recommendation for the acceptance of his resignation, including a memorandum of any conversation that may have taken place regarding the matter.*

*Whenever practicable, a resignation submitted under the above circumstances should be made effective far enough ahead to enable the Secretary to consider the case before the date set.*

#### NOTICE OF AMENDMENT NO. 175.

Page 23-A. Instructions under the subhead "Transfer of Household Effects," are modified, effective October 1, 1916, by substituting the following for the present paragraph:

*Forest officers transferred from one official station to another for permanent duty when allowed traveling expenses may, under the written authority of the Forester, be allowed packing, crating, freight, and drayage charges for the transfer of their household effects and of other personal property used in official work, not exceeding in all 5,000 pounds in addition to the weight of a motor vehicle or live stock, and provided that saddle or other animals not exceeding three head, or an automobile, or a motorcycle, will be transported at*

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government expense only when used in official work. Shipments by freight must be on government bills of lading (see "Methods of Shipment," p. 28), and each account must be accompanied by a letter of instructions and the certificate of the officer best qualified to make it that the property so shipped consists of the household goods of the officer transferred and is exclusively his property. The allowance of charges does not include any charge for unpacking, uncrating, removal of packing boxes or other packing material, or other expense, aside from drayage, at the point to which shipment is made, or for storage at either point.

#### NOTICE OF AMENDMENT NO. 176.

Page 23—A. Instructions under the subhead "Reimbursement for Horses and Equipment Lost, Damaged, or Destroyed While in Official Use" are modified, effective October 1, 1916, by changing the words "will" to "must" and "determination" to "an opinion," so that the present last sentence of the paragraph will read: *All claims must be submitted by the district assistant to the solicitor for an opinion as to whether under the particular facts reimbursement may properly be allowed.*

Also by adding the following four sentences to the paragraph:

*When it is necessary to hire motor vehicles such hire should be only at the owner's risk even though it may be necessary, under certain emergency conditions, to pay a higher rate of hire than would otherwise be the case, particularly since the charge for use of such vehicles is in general sufficiently high to compensate owners for the risks taken. Except for damage to motor vehicles claims may be submitted for any horses, vehicles, or other equipment lost or damaged in any manner, and the validity of the claim will be decided by the Secretary. Claims for reimbursement for the loss of horses may be submitted except when the death of such animals is due to disease or old age or to accident due to contributory negligence on the part of the owner. Death due primarily to eating poisonous weeds or exposure to storm will be considered due to accident and not to disease.*





## NOTICE OF AMENDMENT NO. 177.

**Page 21-A.** Instructions under the subhead "Personnel Reports" are modified, effective January 1, 1917, by substituting the following for the present paragraph:

*The supervisor will submit during each year, at such times and in such form as the district forester may require, an efficiency report on each member of his force not accounted for on the clerical efficiency register. These reports will include such promotion recommendations as may be appropriate. No other personnel report will be made by the supervisor, except in cases which require special attention or action or when called for by the district forester.*

## NOTICE OF AMENDMENT NO. 178.

**Page 43-A.** Instructions under the caption "Signing" are modified, effective January 1, 1917, by substituting for the text under the subheads "District Office—Details as Acting District Forester" and "Supervisors' Offices" the following:

### **District offices—Details as Acting District Forester.**

*In the absence of the district forester, district correspondence will be signed by a designated assistant district forester.*

*No member of the district office below the rank of assistant district forester will sign mail to users or other persons outside the Service except under authority of the district forester, but office letters of a routine character to members of the district may be signed in the form prescribed by designated subordinates of the district forester and of the assistant district foresters.*

*Any letters to be signed in the district office or on the Forests by an official acting for another will be concluded in the following manner:*

*Below the subscription the name and title of the officer in charge will be typewritten, the name in capitals and the title in small type. Below this the word "by" will be typewritten, followed by a space for the signature of the official acting for the officer in charge, and to the right of this space the word "Acting" will be typewritten. When completed the form will appear as follows:*

*Very truly yours,*

**JOHN JONES, Assistant District Forester.**  
*By William Smith, Acting.*

*In this form everything will be typewritten except the signature of William Smith.*

### **Supervisors' Offices.**

*In the absence of the supervisor, the deputy supervisor will, as a general rule, sign all letters. If both the supervisor and deputy supervisor are absent, the supervisor will detail, in writing, a member of the Forest force to serve as acting supervisor, who will sign all letters in the form prescribed for the district office, except those taking action in important matters, which should be acted upon by the supervisor in person upon his return. In such cases a prompt acknowledgment of the receipt of a letter, with a statement of the reason for delaying a final reply, is necessary.*

## NOTICE OF AMENDMENT NO. 179.

**Page 63-A.** Instructions under the caption "Educational Activities" are modified by substituting for the two paragraphs under the subhead "Addresses" the following:

*District foresters may, at their discretion, authorize addresses before local meetings on or near National Forests, at or near the official stations of the members of the Service designated to give the addresses, or when such addresses can be given in the course of regular official travel, provided expenses incurred are not disproportionate to the results to be obtained. Addresses at meetings of more than local scope require specific authorization from the Secretary of Agriculture.*

## NOTICE OF AMENDMENT NO. 180.

Page 11-T. Instructions under the subhead "Condonation of Trespass by Issuance of Permit" are corrected by substituting in the last line the figure 9 for the figure 90, so that the last sentence will read: *In all cases the fee charged should be in accordance with the provisions of Regulation G-9.*

[NOTE.—This correction should be made in ink on the old loose leaf, a new page not having been printed.]

## NOTICE OF AMENDMENT NO. 181.

Page 85-S. Instructions under the subhead "Timber-settlement Clauses," are modified, effective January 1, 1917, by striking out the line "Form 832, Special Use Permit, Clauses 5 and 9," and all reference to clauses in lines 5, 7, 8, 9, 10, 11, and 12 under the subhead.

Also by adding as a new paragraph under the two lines beginning "Such modifications" the following:

*When, as in the case of Forms 832 and 854, timber-settlement clauses have been omitted in occupancy permits, it is intended that the cutting and removal of the timber in connection with the permit will be provided for by a separate sale, free use, or administrative-use transaction.*

## NOTICE OF AMENDMENT NO. 182.

Page 87-S. Instructions under the subhead "Purpose" are modified, effective January 1, 1917, by substituting for the third sentence in the second paragraph the following:

*Such cutting, essentially an administrative use, will be covered by the timber-settlement clauses (if provided) of occupancy permits; otherwise, by an administrative-use permit.*

## NOTICE OF AMENDMENT NO. 183.

Page 7-D. Instructions under the caption "National Forest Accounting Forms (A. L.)," [page 5-D] are modified, effective January 1, 1917, by the addition of a new subhead "Classification—Form 24b (A. C.)," and instructions thereunder just before the caption "Subdivision of Suballotments of General Expenses."

## NOTICE OF AMENDMENT NO. 184.

Page 11-G. Instructions under the caption "Instructions and Procedure" are modified, effective January 1, 1917, by the addition of the following subhead and instructions after the paragraph headed "Attendance at Meetings."

### Meetings of Advisory Boards.

*Whenever the supervisor of a Forest desires to bring before an advisory board recognized for his Forest any matters upon which he wishes an expression of opinion from them, he should address a letter to the secretary of the board requesting him to call a meeting of the board, at some designated date. This letter should state clearly the matters to be discussed. The date named should be far enough in advance to allow the several members of the board to receive due notice of the meeting.*

## NOTICE OF AMENDMENT NO. 185.

Page 12-G. Instructions under the subhead "Special Rules" are modified, effective January 1, 1917, by striking out in the third paragraph the first six words and inserting "Special rules once established will remain in force until revoked by the district forester. They" so that the paragraph will read:

*Special rules once established will remain in force until revoked by the district forester. They will be binding upon all permittees whether members of the association or not, and will be made a stipulation in all permits affected.*

Also by adding the following as a last paragraph under the same subhead:

*In States in which the law does not provide for either the number or grade of bulls to be placed upon the range, special rules governing the number or grade of bulls may be established.*

Also by the addition of new instructions under the seven following subheads: "Applications for Special Rules," "Applicants Notified of Rule," "Assessments," "Notice of Assessments," "Bonds," "Annual Statement by Secretary," and "Delinquents."

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## NOTICE OF AMENDMENT NO. 186.

**Page 14-G.** Instructions under the subhead "Notice of Assessments" are stricken out, effective January 1, 1917.

Also the instructions under the subhead "Changes in Personnel, Constitution or By-Laws" are modified, effective January 1, 1917, by adding as a new paragraph the following:

*In order to carry out the above provisions, after each annual election of officers supervisors should secure from the secretary of the association the names and addresses of the officers and advisory board, a revised list of the members and copies of any amendments to the constitution and by-laws.*

## NOTICE OF AMENDMENT NO. 187.

**Page 16-G.** Instructions under the subhead "Payment of Pro Rata Charge" are modified, effective January 1, 1917, by the addition of the following as a last paragraph:

*If the subsequent collection of the pro rata charge results in the association receiving funds in excess of the approved cost of construction, the money if needed, will be used by the association for the maintenance of the improvements from which derived or for a pro rata refund to all permittees grazing stock upon the range controlled or benefited by the improvement and who have paid their pro rata of the assessments.*

Also by the addition of new instructions to be added just before the caption "Stock Exempt from Permit" under the following subheads: "Assessment for Maintenance" and "Cooperative Improvements."

## NOTICE OF AMENDMENT NO. 188.

**Page 19-G.** Instructions under the caption "Instructions and Procedure" and under the subhead "Ownership of Stock" are modified, effective January 1, 1917, by substituting the words "need not" for "as well as under other regulations must," so that the paragraph will read:

*Stock grazed under this regulation need not be owned by the person or persons to whom the permit is issued.*

Also by adding under the same caption following "Grazing of Sheep and Goats" the following subhead and paragraph:

**Subject to Special Rules.**

*Owners of stock grazed under this regulation must comply with all special rules issued under Reg. G-3 and must pay annually during the period in which the association is allowed to collect reimbursements one-tenth of the initial pro rata charge for improvements constructed under the provisions of Reg. G-4.*

Also by adding as a second sentence in the paragraph under the subhead "Determination of Status" the following:

*Where copies of leases are not available, copies of correspondence, receipt for fees paid on leases, or other satisfactory evidence may be accepted in lieu of a copy of the lease.*

## NOTICE OF AMENDMENT NO. 189.

**Page 26-G.** Instructions under the subhead "Conditions Warranting a Refund" are modified, effective January 1, 1917, by substituting for the first sentence the following:

*In order to avoid securing fees from two different persons for the same range allotment if the permittee's failure to use the range is based upon reasons acceptable to the district forester and the range can be reallocated to another applicant without loss of revenue to the Government, refunds may be made.*

Also by adding as a third sentence in the paragraph under the same subhead the following:

*If the district forester is satisfied that the permittee has exercised good business judgment and used proper methods in handling his stock and was still unable to place them upon the allotted range, a refund may be granted.*

## NOTICE OF AMENDMENT NO. 190.

**Page 30-G.** Instructions under the subhead "Range in Two Forests" are modified, effective January 1, 1917, by striking out the word "single" in the first line, so that the sentence will read:

*When a range used by an applicant is located in two adjoining Forests, either supervisor, with the consent of the other, may issue the permit, with the understanding that stock is to be grazed upon both Forests.*

Also by substituting the following for the present paragraph under the subhead "Statement of Ownership":

*As an applicant is classified by the total number of stock he owns or expects to purchase, exclusive of stock exempt from Regulation G-5, the application should be filled out accordingly.*

## NOTICE OF AMENDMENT NO. 191.

**Page 31-G.** Instructions under the subhead "Designation and Filing" are modified, effective January 1, 1917, by substituting for the present first paragraph the following:

*Applications for grazing permits will be designated by the name of the applicant; initials indicating the kind of stock for which permit is desired, and date of application. Approved applications, including those for five-year periods, will be filed alphabetically or by districts in two divisions, one including applications to graze cattle, horses, or swine, the other applications to graze sheep and goats. Amended applications will be marked "Amended" and bear the same designation as the original. Supplemental applications will be designated by the dates they bear and not by the date of the original application, but will be marked "Supplemental" to show their relation to the original application. Amended and supplemental applications will be recorded on the original card, Form 621, using one line of the card for each transaction.*

## NOTICE OF AMENDMENT NO. 192.

**Page 38-G.** Instructions under the subhead "Order of Preference" are modified, effective January 1, 1917, by striking out, in the first italic sideheading, the words "near-by" and also by striking out, in the third and fourth lines, the words "within or adjacent to the Forest," so that the first sentence in the second paragraph will read:

*Class A. Small owners.—A class A owner is one who does not own more than the protective limit number of stock established for the Forest or division, who owns and actually resides upon an improved ranch, and who is dependent upon the use of the National Forest range in connection with his ranch property.*

## NOTICE OF AMENDMENT NO. 193.

**Page 39-G.** Instructions under the subhead "Dependence Upon Range," are modified, effective January 1, 1917, by substituting for the present paragraph the following:

*Dependence upon the use of National Forest ranges will be determined by the actual economic needs of the applicant for grazing a certain number of live stock in order to utilize the products of his land which could not otherwise be economically marketed.*

Also by adding the following after the last sentence in the paragraph under the subhead "Retention of Preferences": "(See Reg. G-20, p. 52, 'Revocation')."

## NOTICE OF AMENDMENT NO. 194.

**Page 42-G.** Instructions under the caption "Instructions and Procedure" are modified, effective January 1, 1917, by the addition of the following subhead and instructions:

### **Renewal may be refused.**

*In cases of persistent and continued violation of the rules, regulations, and instructions, renewal of a permit may be refused. This action should be taken at the time the application is before the supervisor, who may then disapprove the application in accordance with the instructions under subhead "Method of Disapproval," Reg. G-13, p. 31.*



#### NOTICE OF AMENDMENT NO. 195.

**Page 43-G.** Instructions under the subhead "Renewal to Estates," are modified, effective January 1, 1917, by adding after the word "decree" in the third line, the words, "*or the heirs have reached an amicable settlement of the estate without resorting to court action,*" so that the first sentence will read:

*In case of the death of a qualified permittee a full renewal of permit will be granted in the name of the estate and a duly appointed administrator until the estate is divided and distributed among the heirs by court decree, or the heirs have reached an amicable settlement of the estate without resorting to court action.*

#### NOTICE OF AMENDMENT NO. 196.

**Page 44-G.** Instructions under the subhead "Reductions in Different Classes of Stock," are modified, effective January 1, 1917, by adding at the end of the paragraph the words, "*unless economic development of the surrounding country requires it,*" so that the first paragraph will read:

*When an equitable division of the range has been made in any Forest or grazing district between the various classes of live stock, and the individual grazing privileges enjoyed by the owners of either class are not excessive, no reductions will be made in one class to provide additional range for another class unless economic development of the surrounding country requires it.*

#### NOTICE OF AMENDMENT NO. 197.

**Page 45-G.** Instructions under the subhead "Date Yearlong Permits Will Begin," are modified, effective January 1, 1917, by adding the following sentence to the paragraph:

*Grazing periods which extend beyond the opening date of the yearlong period of the following year should not be established.*

Also by adding to the paragraph under the subhead "Special Rules Must be Incorporated in Permit," the following: "*(See also p. 13, 'Notice of Assessments').*"

#### NOTICE OF AMENDMENT NO. 198.

**Page 48-G.** Instructions under the subhead "Purchase of Stock Only by Owner of Improved Ranch" are modified, effective January 1, 1917, by substituting for the words in the fourth line "or not to exceed" the words "*for not less than 60 per cent nor more than*", so that the paragraph will read:

*A purchaser of permitted stock who owns ranch property commensurate and so located that it will be used in connection with the stock, or who acquires such property from persons other than the original permittee, may be allowed a renewal of permit for not less than 60 per cent nor more than 80 per cent of the number of the permittee's established grazing preference, provided that the maximum limit restriction is not exceeded.*

Also by adding after the figure "90" in the third line of the paragraph under the subhead "Purchase of Stock and Ranches" the words "*nor less than 75*", so that the paragraph will read:

*If the ranch property is commensurate and used in connection with the permitted stock, the purchaser of both the stock and ranches of a permittee may be allowed a renewal of permit for not more than 90 nor less than 75 per cent of the permittee's established grazing preference, subject to the maximum limit restrictions. If the ranch property is not fully commensurate, a proportionate reduction should be made in the number of stock for which renewal of permit is allowed.*

#### NOTICE OF AMENDMENT NO. 199.

**Page 49-G.** Instructions under the subhead "Transfers to Copartnerships and Incorporated Companies" are modified, effective January 1, 1917, by adding as a second paragraph the following:

*If, at any time subsequent to the securing of a grazing privilege by a corporation, a majority of the shares of its stock are held by stockholders other than those holding them when such privilege was granted, the permit will be subject to the same reduction as in other cases. (See Reg. G-17.)*

## NOTICE OF AMENDMENT NO. 200.

**Page 51-G.** To correct a typographical error, the following words are added at the top of the page under the subhead "Number of Stock to be Awarded:" *When a surplus in the authorization is available for allotments equal to the, so that the paragraph will read:*

*When a surplus in the authorization is available for allotments equal to the number of stock necessary to provide for all permits to beginners and increases to permittees below the protective limit for which applications have been received, no sliding-scale reductions will be made.*

## NOTICE OF AMENDMENT NO. 201.

**Page 52-G.** Instructions under the caption "Instructions and Procedure" are modified, effective January 1, 1917, by the addition of the following subhead and instructions preceding the subhead "Cancellation":

### **Reductions for Cause.**

*When a permittee violates the regulations and instructions or any of the special rules or conditions under which the permit is issued, a reduction may be made in the permittee's grazing preference for the first offense.*

*In case of continued or repeated violations the permit and grazing preference may be revoked.*

Also by adding the following sentences to the last paragraph under the subhead "Revocation":

*When the circumstances in the case justify it, the revocation of the permit will cause the forfeiture of the permittee's grazing preference. Written notification to that effect should be given the permittee by the district forester.*

## NOTICE OF AMENDMENT NO. 203.

**Page 58-G.** Instructions under the caption "Instructions and Procedure" are modified, effective January 1, 1917, by substituting the word "three" for the word "six" in the subhead "Maximum Period Six Days" and by substituting the word "three" for the word "six" in the second line of the paragraph, and also by substituting the words "so often" for the words "every six days" in the fourth line of the paragraph, so that the subhead and paragraph will read:

### **Maximum Period Three Days.**

*To reduce the damage to a minimum the bed ground should be changed every day if possible, and in no case should it be occupied more than three nights unless natural conditions will not allow the change to be made. Lambing ewes can not be moved so often, and the interests of the range must in this instance be sacrificed in a measure to the needs of the sheep.*

## NOTICE OF AMENDMENT NO. 204.

**Page 66-G.** Instructions under the caption "Reports" are modified, effective January 1, 1917, by striking out the subhead "Hunter's Reports" and the instructions thereunder



## NOTICE OF AMENDMENT NO. 205.

**Page 29-A.** Instructions under the subhead "Forest Custodian" are modified, effective April 1, 1917, by adding the following as a second paragraph:

*When a vacancy occurs in the position of property custodian by resignation, furlough, leave without pay, or any other change to a nonpay status, as contemplated in the paragraph headed "Final settlement," the retiring custodian will be required to transfer, on Form 939, in triplicate, the property to the supervisor or to some forest officer designated by the supervisor as temporary custodian pending the filling of the vacancy. The three copies of Form 939 will be forwarded to the property auditor.*

## NOTICE OF AMENDMENT NO. 206.

**Page 30-A.** Instructions under the subhead "Ranger's Record" are modified, effective April 1, 1917, by striking out in the fourth line the words and figures "On Form 874-16" and in the seventh line the figures "874-16," and by adding the second paragraph now appearing under this subhead as a final sentence of the first paragraph.

Also by inserting the following as a second paragraph under the subhead:

*When notice of action of Form 858 covering property issued by a custodian to a ranger is received from the property auditor the custodian will prepare on Form 874-16, in duplicate, a list of all the articles in question. He will note on the form "Relieved—see Form 858, P. A. voucher . . .," sign and forward the original to the ranger, and retain the duplicate in his file.*

## NOTICE OF AMENDMENT NO. 207.

**Page 44-A.** Instructions under the subhead "References to Other Departments and Bureaus" are modified, effective April 1, 1917, by substituting the following paragraphs for the present ones:

*The reference of routine communications which require attention in other bureaus and divisions of the Department of Agriculture or in bureaus and divisions of other departments with which the Forest Service cooperates will be made from the Washington office by the use of Form 423 and from the district offices by the use of the appropriate Form 423-1, 423-2, etc., black record ribbon being used. Such routine communications will be referred to the bureau or division and not to any person by name. When such referred communications require comment or explanation in excess of the space provided on the form reference will be made by letter addressed to the chief and signed by the Forester if the reference is to a bureau or division of the Department of Agriculture in Washington (see "Service Correspondence," p. 42-A), or by the district forester, if the officer addressed is not in Washington (see "District correspondence," p. 42-A).*

*With the exceptions noted above, the reference of routine communications for attention in executive departments other than the Department of Agriculture will be made by the use of Form 422, prepared for the signature of the Secretary of Agriculture, black-copying-blue ribbon being used, and addressed to the Secretary of the executive department concerned.*

## NOTICE OF AMENDMENT NO. 208.

**Page 7-T.** Instructions are modified, effective April 1, 1917, by adding the following as a second paragraph under the subhead "Innocent Turpentine Trespass:"

*Unless the trespasser signifies his intention to settle voluntarily the report will include a statement showing the amount of crude turpentine extracted and its value in the woods immediately after extraction. If voluntary settlement on a cup basis can not be secured, the case will be referred to the Department of Justice for the institution of civil proceedings for the recovery of the value of the crude turpentine immediately after extraction.*

## NOTICE OF AMENDMENT NO. 209.

**Page 11-S.** Instructions are modified, effective April 1, 1917, by substituting for the first sentence of the sixth paragraph under the subhead "Utilization Requirements" the following:

*Material unmerchantable under the terms of the agreement for which payment is required by the district forester will be paid for at the special rate designated for such material if such a rate has been specified in the advertisement and in the sale agreement (see standard clauses 3a and 17 and the instructions on p. 34); otherwise, at the regular contract prices or under a separate sale.*

April 1, 1917.

(INSTRUCTIONS—AMENDMENTS 53.)





## NOTICE OF AMENDMENT NO. 210.

**Page 14-S.** Instructions under the subhead "Readjustment of Stumpage Prices" (p. 13) are modified, effective April 1, 1917, by adding the following new paragraph after paragraph (3):

*The proportion of the increase in the average lumber value which may be added to the stumpage price will ordinarily be 50 per cent. A higher proportion not exceeding 75 per cent may be required where local logging or market conditions indicate that 50 per cent will not maintain stumpage rates in approximately their present relation to selling prices and cost of production.*

## NOTICE OF AMENDMENT NO. 211.

**Page 19-S.** Instructions under the subhead "Disposal of Slash" are modified, effective April 1, 1917, by substituting two new paragraphs for the third paragraph.

## NOTICE OF AMENDMENT NO. 212.

**Page 29-S.** Instructions under the subhead "Disposal of Slash" (p. 28) are modified, effective April 1, 1917, by the addition of two new clauses numbered 43a and 43b.

## NOTICE OF AMENDMENT NO. 213.

**Page 54-S.** Instructions under the subhead "For Serious Violation" are modified, effective April 1, 1917, by substituting for the fourth sentence in the second paragraph the following:

*If the amount of the sale was not more than 3,000,000 feet or its equivalent, final action will be taken by the district forester; otherwise final action will be taken by the Forester.*

## NOTICE OF AMENDMENT NO. 214.

**Page 55-S.** Instructions under the subhead "When of Advantage to the United States or Not Prejudicial to its Interests" (p. 54) are modified, effective April 1, 1917, by substituting for the last sentence of the first paragraph on page 55 the following two sentences:

*Cancellations of this class will be made only upon the application or with the consent of the purchaser. If all the uncut timber is to be resold immediately under equally or more advantageous terms the application will be approved by the officer who approved the original agreement; otherwise the application will be approved by the district forester if the amount of the sale was not more than 3,000,000 feet board measure, or its equivalent, and by the Forester if the sale involved a larger amount.*

Also by transferring the subhead "When required in Equity to the Purchaser" and paragraph thereunder so that it will appear as the second paragraph on the page.

Also by inserting the word "procedure" as a subhead to the present second paragraph beginning "In unadvertised sales," etc.

Also by adding the following as a second paragraph following the form "Application for Cancellation of Agreement."

*The number of copies of the application to be prepared and their final distribution will be the same as for a timber sale contract requiring approval by the officer who will approve the application.*

## NOTICE OF AMENDMENT NO. 215.

**Page 64-S.** Instructions under the subhead "Summary Record" are modified, effective April 1, 1917, by substituting for the third sentence of the paragraph the following:

*If required by the district forester, live and dead timber cut will be entered in separate columns.*

## NOTICE OF AMENDMENT NO. 216.

**Page 63-S.** Instructions are modified, effective April 1, 1917, by transposing the words "sold" and "cut" in the third subhead so that it will read *Report of Timber Cut and Sold*.

Also by substituting the following for the last sentence of the first paragraph:

*Green and dead timber need not be reported separately unless required by the district forester.*

Also by substituting the following for the first sentence of the first paragraph under the subhead "District Forester's Monthly Report":

*As soon as practicable after the first of each month the district forester will report to the Forester the amount and value of timber cut and sold respectively during the preceding month on each Forest in the district.*

## NOTICE OF AMENDMENT NO. 217.

**Page 73-S.** Instructions under the subhead "Procedure" are modified, effective April 1, 1917, by substituting the following four sentences for the fourth, fifth, and sixth sentences of the second paragraph:

*On its return the supervisor will note the amount paid, the certificate number and the date of payment on the tab of the original as well as in the space provided in the body of the form, return the stamped duplicate to the purchaser and send the tab detached from the original to the forest officer. The second carbon will be retained by the forest officer for his files. When cutting is completed the forest officer will fill in the cutting report on his copy and on the third carbon and send the latter to the supervisor who will attach it to the original. Unless questioned by the supervisor, the case will be considered closed when the cutting report is received.*

Also by substituting the following paragraph for the one under the subhead "Timber-Sale Instructions Govern When Applicable":

*The annual forest plan for sales of naval stores will be submitted to the Forester. After approval by him, sales will be governed by the instructions prescribed for timber sales, except as hereafter provided.*

## NOTICE OF AMENDMENT NO. 218.

**Page 92-S.** Instructions under the caption "Organization and Scale" are modified, effective April 1, 1917, by substituting for the subhead "Numbering Sites" and the paragraph thereunder the following:

### **Designating and Numbering Planting Areas.**

*Each area to be planted or sown will be given a project name, preferably that of some local topographic feature. Each subdivision of this project area which is planted or sown with different species, mixtures, age classes, with seed from different sources, or trees grown from seed of different sources, or which is planted or sown by different methods, or which is planted or sown at different times will be given a separate number. A single series of consecutive numbers will be used for each project with the letter "P" or "S" prefixed to indicate a plantation or seeding area, as P-1, P-2, S-3, etc. Replanted and reseeded areas should be given separate numbers in the same series as the original areas. Small scattered plantations not constituting part of a definite planting project may be numbered serially for the Forest as a whole, but this should be avoided as far as possible.*

[NOTE.—The above change will make it necessary to cancel the four lines at the top of page 93-S, which should be done by running black ink lines through the printed lines.]



## NOTICE OF AMENDMENT NO. 219.

**Page 6-G.** Instructions under the caption "Authorizations" (p. 4-G.) are modified, effective April 1, 1917, by adding after the subhead "Grazing Chapter, Supervisor's Annual Forest Plan," and the paragraph thereunder the following instructions:

### **Grazing Map.**

*The supervisor will prepare a map of the Forest in duplicate suitable for insertion in the forest atlas to accompany the grazing chapter. It will show grazing districts, areas open to each class of stock, lambing grounds, driveways, overgrazed areas, closed areas, and areas which can not be used for grazing. One copy will be retained in the district office and a duplicate forwarded to the forester with the grazing plan. Without special requisition blank maps mounted for insertion in the atlas binders will be forwarded direct to each supervisor by the office of geography at Washington not later than August 1 of each year.*

## NOTICE OF AMENDMENT NO. 220.

**Page 12-G.** Instructions under the subhead "Special Rules" are modified, effective April 1, 1917, by adding the following as a second paragraph. This change allows the majority of the permittees affected to approve the rule:

*When a special rule is recommended by an advisory board for only a part of the territory represented by it a showing must be made that the rule is approved by a majority of the permittees using the area to which it will apply.*

## NOTICE OF AMENDMENT NO. 221.

**Page 23-G.** Instructions under the subhead "Minimum Division of Rate" are modified, effective April 1, 1917, by changing in the fifth line the figures "6.87" to "6.875" and in the same line the figures "6.88" to "6.876" so that the second sentence will read: *For example, if in computing the rate for a short period on sheep the result obtained is 6.875, the rate will be fixed at 6 $\frac{3}{4}$  cents; but if the result is 6.876, the rate will be fixed at 7 cents.*

[NOTE.—This correction should be made in ink on the old loose leaf, a new page not having been printed.]

## NOTICE OF AMENDMENT NO. 222.

**Page 32-G.** Instructions under the subhead "Nonuse of Range" are modified, effective April 1, 1917, by striking out all of the first and third paragraphs under the subhead and inserting the following three paragraphs:

*At the discretion of the district forester applications from persons with established grazing preferences may be disapproved and the preference revoked for failure to apply for renewal of permit during the previous grazing year, unless a statement giving satisfactory reasons was filed with the supervisor before the opening of the grazing season of the previous year so that, if desirable, the supervisor could have made temporary disposition of the range thus vacated.*

*Permittees who receive permits and fail to make use of the range allotted to them and who do not notify the supervisor of such nonuse before the expiration of the grazing season for which the permit was issued, may have their grazing privileges reduced or be denied renewal of permit and have their grazing preference revoked for such nonuse, at the discretion of the district forester.*

*It shall be the duty of each supervisor to notify all permittees of the previous year who fail to apply for a renewal of their permit of the requirements of these instructions.*

*Also by inserting at the end of the paragraph beginning "Nonuse of the range by a new applicant," etc., (See also "State or Federal officers," p. 35.)*

## NOTICE OF AMENDMENT NO. 223.

**Page 46-G.** Instructions under the caption "Permits to Purchasers of Permitted Stock" are modified, effective April 1, 1917, by transferring the subhead "Waiver of Preference," and instructions thereunder, so that they will appear as the first instructions under the center heading "Instructions and Procedure," and by adding the following as a second paragraph under the subhead "Waiver of Preference":

*Form 763 should be used only when stock is sold with the understanding that renewal of permit will not be allowed the original permittee within the three years' limitations under the instructions on page 39-G. "Waiver of Preference."*

Also by adding the words "Sale with Waiver" to the subhead "Free Permits to Purchasers" so that the subhead will read "*Free Permits to Purchasers, Sale With Waiver.*" And by inserting in the first line of the paragraph headed "Free Permits to Purchasers, Sale with Waiver," after the word "period," the words "*with the intention of surrendering his grazing preference,*" so that the first sentence will read "*In case a permittee sells his permitted stock during the permit period with the intention of surrendering his grazing preference, and the,*" etc.

Also by adding the following instructions which, after the above changes have been made, will follow the paragraph headed "Free Permits to Purchasers, Sale with Waiver."

### **Free Permits to Purchasers, Sale Without Waiver.**

*When stock is sold with the understanding that the purchaser may be allowed to graze it on the Forest during the remainder of the current grazing season, the original permittee retaining his grazing preference, no waiver will be required. Upon surrender of the permit to the supervisor he will cancel it either in whole or in part, as may be required under the sale, and issue a new permit to the purchaser free of charge, allowing the number of stock purchased to be grazed during the remainder of the period covered by the original permit. No transfer of fees is necessary. Cross reference will be made on the record cards, Form 621.*

## NOTICE OF AMENDMENT NO. 224.

**Page 51-G.** Instructions under the subhead "Definition of a Fully Stocked Forest" are modified, effective April 1, 1917, by substituting for "the number of stock authorized" the words "*its estimated carrying capacity,*" so that the paragraph will read:

*Under the above instructions a Forest or grazing district will be considered as fully stocked whenever the permanent privileges enjoyed by class B permittees, plus the total demand for range by all class A owners, equals its estimated carrying capacity.*

## NOTICE OF AMENDMENT NO. 225.

**Page 67-G.** Instructions under the subhead "To Avoid Duplication in Statistical Report" are modified, effective April 1, 1917, by substituting for the second paragraph the following four paragraphs:

*Form 446 is to show the actual number of permittees to whom permits have been issued and the total number of stock permitted to graze rather than the number of separate transactions involved.*

*Do not count "amended," "extended," or "supplemental" permits as separate transactions if the original permits to which these belong have been reported for the fiscal year to which the Form 446 refers.*

*If, however, the original permit is issued prior to June 30 and the amended, supplemental, or extended permit is issued after that date it should be counted as a separate transaction.*

*A temporary permit issued as an original transaction should be counted. Other temporary permits should be considered as are amended, extended, or supplemental permits.*



## NOTICE OF AMENDMENT NO. 226.

**Page 73-L.** Instructions are modified, effective March 1, 1917, by adding after the following subhead and instructions thereunder just before the subhead "Supervisor's Annual Report on Claims":

### **Action on Application for Reduction of Area, Three-Year Homestead Law.**

*On receipt from a local land office of an application for reduction of the area of cultivation required under the three-year homestead law, the forest supervisor will cause an examination to be made and report prepared covering the amount of cultivation that has already been done, physical conditions, and full reasons showing whether the application should be allowed or denied. Generally speaking, the expense incidental to putting lands under cultivation is not a good reason for relieving from that requirement. The report should be particular to state facts and not mere conclusions. The report and application should be forwarded to the district forester who, in turn, will forward them through the Forester's office, with a letter prepared for the signature of the acting Forester, to the Commissioner of the General Land Office. The letter should contain a recommendation as to whether the application for reduction should be allowed. Forest supervisors must give immediate consideration to applications of this nature. District foresters should note the instructions in 42 L. D. 343.*

## NOTICE OF AMENDMENT NO. 227.

**Page 93-L.** Instructions are modified, effective January 1, 1917, by substituting for the paragraph under the subhead "Withdrawal of Applications" the following:

*Applications may be withdrawn at any time prior to the transmission of the listing letter by the district forester, but no further applications for the same tract of land will be received if the record of application has been transmitted to the supervisor for examination of the land, since the action already taken is sufficient to secure the opening of the land to entry if it is found to be chiefly valuable for agriculture. Upon the withdrawal of the application a new one for another area may be accepted, if the tract desired is otherwise open to application. No application will be accepted from an applicant for whom one area has already been listed, unless good reasons are shown for the failure to file upon the tract for which a preference right was acquired, but all effort will be made to examine and list land for applicants who have had no such opportunity to file.*

## NOTICE OF AMENDMENT NO. 228.

**Pages 99-L to 102-L, inclusive.** Instructions in the "Administrative Site" chapter of the National Forest Manual are modified, effective April 1, 1917, through a complete revision embodied in new instructions which are substituted for the old.

## NOTICE OF AMENDMENT NO. 229.

**Page 18-G.** Instructions under the subhead "Issuance of Permit" are modified, effective April 1, 1917, by adding the following after the words "per cent outside" at the end of the first sentence:

*and does not allow at any time the grazing of more than . . . head of . . . on the National Forest range herein described. All permits of this class should be plainly marked "On-and-off permits."*

## NOTICE OF AMENDMENT NO. 230.

**Page 39-G.** Instructions under the subhead "Foreclosure of Mortgage" are modified, effective April 1, 1917, by substituting for the word "mortgagor" in the third line the word "*mortgagee*"

[NOTE.—This correction should be made in ink on the old loose leaf, a new page not having been printed.]

# THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO  
OFFICE OF THE DEAN  
540 EAST 58TH STREET  
CHICAGO, ILL. 60637  
TEL. 773-936-5000  
FAX 773-936-5001  
WWW.CHICAGO.EDU

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## NOTICE OF AMENDMENT NO. 231.

Page 11-A. Instructions under the subhead "Compensation for Injuries" are modified, effective July 1, 1917, by substituting the following for the two paragraphs:

*The Federal compensation act approved September 7, 1916, makes provision for the payment of compensation to employees of the Government for disability or death resulting from personal injuries sustained while in the performance of their duties, except when the injury or death is caused by the willful misconduct of the employee or by the employee's intention to bring about the injury or death of himself or of another, or when intoxication of the injured employee is the proximate cause of the injury or death. The act also provides for reasonable medical, surgical, and hospital services and supplies, for transportation if necessary for the securing of the proper medical, surgical, and hospital treatment, for burial expenses not to exceed \$100, and for compensation to dependent relatives if death results from the injury. Compensation is paid from a separate fund created by the act and designated the employees' compensation fund. No compensation is paid for the first three days of disability. The rate of compensation paid to the injured employee during disability or to his dependent relatives in case of his death is limited to two-thirds of his monthly pay, with the proviso that in no case can such rate of compensation be more than \$66.67 nor less than \$33.33 per month unless the employee's monthly pay is less than \$33.33, in which case the full amount of his monthly pay is paid as compensation.*

*The United States Compensation Commission, which administers this statute, has issued complete instructions governing the procedure of employees entitled to take advantage of its provisions. These instructions are furnished to all administrative and executive officers.*

## NOTICE OF AMENDMENT NO. 232.

Page 11-A. Instructions are modified, effective July 1, 1917, by substituting for the subheading over Regulation A-1 the following: "*Examinations and Appointments.*"

## NOTICE OF AMENDMENT NO. 233.

Page 11-A. Instructions under the subhead "Selection" are modified, effective July 1, 1917, by adding as a first sentence the following:

*Vacancies are filled by transfer or promotion within the Service, or by selection from eligibles certified by the Civil Service Commission.*

This addition cancels the paragraph under the subhead "Appointments," on the same page, which has been stricken out.

## NOTICE OF AMENDMENT NO. 234.

Page 12-A. Instructions under the subhead "Selection" (page 11-A) are modified, effective July 1, 1917, by striking out of the first and second lines of the first paragraph on page 12-A the words "civil service" and "for assistant forest ranger" so that the first sentence will read:

*The experience and training necessary to pass the ranger examination can be obtained in but few occupations outside of the Service, and usually eligibles on the register are persons who have been employed in some capacity on the Forests.*

## NOTICE OF AMENDMENT NO. 235.

Page 12-A. Instructions under the subhead "Probational Appointments" are modified, effective July 1, 1917, by adding the words "*grazing assistants, forest rangers,*" after the word "assistants" in the second line of the second paragraph under this subhead. Also by substituting the word "*five*" for the word "*three*" in the same line so that the first two sentences will read:

*The probational period is six months, except for logging engineers, forest assistants, grazing assistants, forest rangers, and assistant forest rangers. For these five positions the period is one year.*

## NOTICE OF AMENDMENT NO. 236.

**Page 12-A.** Instructions under the subhead "Civil-Service Eligibles" are modified, effective July 1, 1917, by adding the words "*forest ranger and*" at the end of the first line; by adding the word "*ranger*" after the word "*all*" in the fourth line, and by striking out the words "*for assistant forest ranger*" in the fourth line, so that the first two sentences will read:

*When appointments are required from any civil-service register, except for forest ranger and assistant forest ranger, the certification of eligibles will be secured from the Civil Service Commission by the district forester through the district fiscal agent. Certificates which list all ranger eligibles are issued by the commission as soon as the examination papers are graded.*

## NOTICE OF AMENDMENT NO. 237.

**Page 12-A.** Instructions under the caption "Procedure" are modified, effective July 1, 1917, by substituting "*When Names on Certificate May be Passed Over*" for the present subhead "*When Names on Register May be Passed.*"

Also by substituting for the first sentence under this subhead the following:

*If an eligible refuses to accept an offer of employment on the Forest for which he was certified he need not be considered further. If no vacancy exists on the Forest for which he was certified and he refuses to accept one of three offers of employment on other Forests in the same State he need not be considered further for employment on any other than the Forest for which he was certified.*

## NOTICE OF AMENDMENT NO. 238.

**Page 14-A<sup>1</sup>.** Instructions under the subhead "Resignations" are modified, effective July 1, 1917, by substituting the following for the present paragraph:

*Recommendations for the acceptance of resignations should in every case state whether the resignation is voluntary or is submitted in preference to answering charges. In the first case the reason given in the recommendation should be: "This resignation is voluntary." When the resignation is submitted in preference to answering charges, the reason should be given as follows: "This resignation is submitted in preference to answering charges, which would otherwise have been necessary because of the unsatisfactory character of the employee's services in the following respects:" adding a concise explanatory statement.*

## NOTICE OF AMENDMENT NO. 239.

**Page 14-A<sup>1</sup>.** Instructions under the subhead "Authority to Assign or Transfer" are modified, effective July 1, 1917, by adding the following as a new sentence just before the last sentence:

*The district foresters may assign and transfer deputy forest supervisors, rangers, and clerks within their respective districts, but such assignments and transfers should be reported to the Forester when made.*



## NOTICE OF AMENDMENT NO. 240.

**Page 16-A.** Instructions under the caption "Control of the Force" are modified, effective July 1, 1917, by adding the following subhead and paragraph thereunder just before the instructions headed "Relations Between Officers":

### **To Prevent Embarrassment to Superior Officers.**

*In the preparation of correspondence to the public, to Members of Congress, and to officials of other departments of the Government which involve important questions of policy or discussion of proposed or pending legislation in which the Forest Service is interested, it is important, in order to preclude embarrassment to the Forester and the Secretary of Agriculture, that extreme caution be taken to avoid making statements that may be in conflict with statements which may have been made by these officials. The same degree of caution should be exercised in the preparation of articles for publication in magazines, in information for the press, and in public addresses. It should be borne in mind that it is not always possible to keep field officers fully informed of contemplated action or attitude toward new legislation, and, accordingly, it will usually be advisable to refer to the Forester for any action that may be deemed proper any letters of inquiry concerning such matters that are received from persons outside of the Service.*

## NOTICE OF AMENDMENT NO. 241.

**Pages 21-A and 22-A.** Instructions under the subhead "Forage" are modified, effective April 30, 1917, by substituting the following for the third and fourth paragraphs under the subhead:

*Forage allotments should be established on a uniform basis. The number of days during the year when a horse or the horses a forest officer is required to own for use in his official work, will be fed either hay or grain, or both, or will be kept in pastures, must be determined. Likewise, it will be necessary to estimate as accurately as possible the number of days when horses are not needed for use in official work; for example, the need for three horses during the field season may be apparent in some cases, but during the inactive season one or two horses may be sufficient. The adoption of a standard hay or grain ration is advisable. A fixed standard ration for all regions, while desirable, is impracticable, owing to the different varieties of hay and grain, and also because of the varying degree of use of forest officers' horses in different regions. In determining forage allotments, consideration should be given to the probable amount of time a forest officer will be absent from his official station, and reduction made accordingly. Forest officers who supply forage to the horses of visiting forest officers are not to be paid for the forage thus furnished. A notation of the amount and cost of forage thus furnished should be made and submitted to the forest supervisor, who will credit this against the forest officer concerned. Through adjustments toward the close of the fiscal year, if this is found necessary, the forest supervisor can increase the forage allotments of the officers concerned to offset the amount of either personal or Government forage used by the horses of visiting forest officers.*

## NOTICE OF AMENDMENT NO. 242.

**Page 22-A.** Instructions are modified, effective April 30, 1917, by substituting for the subhead "Supplies for Motor Vehicles" and the paragraph thereunder after Regulation A-4a, the following:

### **Agreement for Motor Vehicles.**

*When in his opinion it will be advantageous to the Government the district forester may enter into agreements with forest officers for the use of their motorcycles or automobiles on official business at rates per mile not in excess of those fixed in the regulation. Such agreements should usually be for the entire fiscal year, but may be made monthly in advance when desirable. Otherwise forest officers can not be reimbursed for use of their motor vehicles on official business except on the basis of the cost of gasoline and oil used in their operation. Regulation A-4a does not prevent the hiring of automobiles on a commercial basis at regular rates for single trips, but this must not be construed as permitting an increased reimbursement to forest officers for the use of their own vehicles.*

July 1, 1917.

(INSTRUCTIONS—AMENDMENTS—61.)

#### NOTICE OF AMENDMENT NO. 243.

Page 22-A. Instructions under the subhead "Subsistence and Lodging" are modified, effective July 1, 1917, by striking out the last sentence of the second paragraph.

#### NOTICE OF AMENDMENT NO. 244.

Page 57-A. Instructions under the subhead "Maps Issued by Other Departments" are modified, effective July 1, 1917, by substituting the following for the present paragraphs:

*Proclamations with diagrams creating or changing National Forests, are issued by the State Department. A limited number will be held for the use of the Washington office and the remainder of the edition will be sent to the district forester and supervisor affected.*

*All map publications issued by the U. S. Geological Survey, including topographic and geologic quadrangles, will be obtained by a letter of requisition to the Forester stating that the publications requested are for official use.*

*When an advance topographic sheet for an area affecting a National Forest is issued by the Geological Survey, the Washington office will have a sufficient number of copies printed to supply each district and supervisor affected with 10 copies. These maps will be printed in two colors and on the same scale as the original publication.*

Also by transferring the last two paragraphs under the subhead "Township Plats" so that they will constitute the fourth and fifth paragraph under the subhead "Maps Issued by Other Departments."

#### NOTICE OF AMENDMENT NO. 245.

Page 57-A. Instructions under the subhead "Township Plats" are modified effective July 1, 1917, by substituting the following for the present first paragraph:

*Township plats are prepared in the General Land Office. Some of them have been reproduced by photolithography, but the greater number are reproduced by photographic processes in the Branch of Engineering, the original plats being borrowed for that purpose, in accordance with a cooperative agreement between the Forester and the Commissioner. Three prints are made, being mounted, trimmed, and punched in accordance with Atlas standards, and placed in the forest atlas at Washington, in the District atlas, and in the office of the supervisor. Requests for township plats should always be sent to the Forester and should specify the date of the plat, as there are frequently several surveys and plats for a single township.*

#### NOTICE OF AMENDMENT NO. 246.

Page 57-A. Instructions under the subhead "Photograph Laboratory Washington" are modified, effective July 1, 1917, by substituting the words "Branch of Engineering" for the words "Office of Geography" in the first line of the paragraph.

#### NOTICE OF AMENDMENT NO. 247.

Page 57-A. Instructions under the subhead "Requisitions for Photographic Work" are modified, effective July 1, 1917, by substituting the following for the present two paragraphs:

*Requests on the photographer at Washington for maps, diagrams, bromides, transparencies, lantern slides, etc., are to be approved by the district foresters where the requests originate in the field and by the chiefs of branch for the Washington office.*

#### NOTICE OF AMENDMENT No. 248.

Page 63-A. Instructions under the caption "Educational Activities" are modified, effective July 1, 1917, by substituting four paragraphs under the new subhead "Attendance at Meetings" for the present instructions under the subhead "Addresses." Also by adding instructions under the new subheads "Exhibits," "Motion Pictures," and "Lantern Slides."

[The new instructions under "Attendance at Meetings" cancel the paragraph on page 41-A under the subhead "Attendance of Forest Officers at Public Meetings," and the paragraph on page 11-G under the subhead "Attendance at Meetings." The changes should be made by drawing lines through the paragraphs and inserting on the margins "See p. 63-A," new pages not having been printed.]

July 1, 1917.

(INSTRUCTIONS—AMENDMENTS—62.)



## NOTICE OF AMENDMENT NO. 249.

**Page 17-T.** Instructions under the caption "Ordinary Civil Cases" (p. 14-T.) are modified, effective July 1, 1917, by adding after the second paragraph under "Intentional or Willful Trespass," a new subhead, "*Voluntary Settlement of Willful or Intentional Grazing Trespass*," and six paragraphs of instructions thereunder.

## NOTICE OF AMENDMENT NO. 250.

**Page 73-S.** Instructions under the caption "Sales at Cost" (page 72-S) are modified, effective July 1, 1917, by substituting for the first paragraph beginning "Sales under Regulation S-22 will be restricted," etc., the following subhead and paragraph thereunder:

### **Kind of Material Sold.**

*The kind of material sold under Regulation S-22 should be that suited to the need of the applicant. Where inferior species and grades of material will answer the purpose, they should be designated for removal, but any timber which would be sold under commercial sales is available for sales under Regulation S-22. Sales will be conducted in accordance with standard silvicultural and utilization practice.*

## NOTICE OF AMENDMENT NO. 251.

**Page 17-G.** Instructions are modified, effective July 1, 1917, by substituting for the paragraph under the caption "Instructions and Procedure" the following subhead and instructions thereunder:

### **Exempt Animals.**

*No stock may be grazed without a permit, except 10 head of milch, work, or other animals which are either in actual use or are to be used for domestic purposes. Within the limits established this would include hogs, goats, or sheep kept for providing the settler's family with food. A settler owning only 10 head or less of stock which are neither milch, work, nor animals kept for domestic purposes will be required to apply for permit and pay the grazing fees, while a settler owning any number of stock will be allowed to graze 10 head of such exempt stock without permit and free of charge.*

Also by substituting the following for the first sentence under the subhead "Discretion of Supervisors:"

*The privilege must not be abused, but, on the other hand, some discretion may be used in the interpretation of the term "milch, work, or other animals used for domestic purposes."*

## NOTICE OF AMENDMENT NO. 252.

**Page 41-G.** Instructions under the caption "Instructions and Procedure" (p. 40-G) are modified, effective July 1, 1917, by adding the following as a last paragraph under the subhead "Maximum Limits, General Purpose":

*Established maximum limits will apply to lessees, persons in possession of permitted stock under a contract to purchase, or any other form of agreement giving exclusive possession and control of permitted stock. In such cases, permits should be refused to the actual owners of the stock, unless the renewal or continuance of the privilege is specifically authorized by the district forester.*

## NOTICE OF AMENDMENT NO. 253.

**Page 98-L.** The Entry Surveys chapter in the Lands section of the National Forest Manual is modified, effective July 1, 1917, through a complete revision, including all instructions of the Forester, which are practically effective at that date, except the details of drafting Form 85 A and the compilation of the Annual Statistical Report. A few slight changes have been made in old instructions, and some new matter has been introduced.

July 1, 1917.

(INSTRUCTIONS—AMENDMENTS—63.)

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#### NOTICE OF AMENDMENT NO. 254.

**Page 7-A.** Instructions are modified, effective October 1, 1917, by adding a new caption, "*Rights of Way—Administrative*," and four paragraphs of instructions thereunder, just before the caption "The Administrative Plan."

#### NOTICE OF AMENDMENT NO. 255.

**Pages 22-A<sup>1</sup> and 22-A'.** The two leaves have been combined, effective October 1, 1917, by printing the matter on page 22-A' on back of page 22-A<sup>1</sup>. This is done to avoid confusion in page numbers. The old leaves (22-A<sup>1</sup> and 22-A') may therefore be destroyed.

#### NOTICE OF AMENDMENT NO. 256.

**Page 38-A.** Instructions under the caption "Procedure" are modified, effective October 1, 1917, by substituting four new paragraphs for the present three paragraphs under the subhead "Rights of Way."

#### NOTICE OF AMENDMENT NO. 257.

**Page 16-S.** Instructions are modified, effective October 1, 1917, by adding a new subhead, "*Rights of Way*," and five paragraphs of instructions thereunder, following the instructions under the subhead "The Cutting Area."

#### NOTICE OF AMENDMENT No. 258.

**Page 29-A.** Instructions are modified, effective June 7, 1917, by striking out the following third and fourth sentences in the first paragraph under the subhead "Forest Custodian":

Before making a transfer of this kind the supervisor should prepare a property return and forward it to the property auditor by whom it will be verified and returned to the supervisor. The property return should then be made the basis for the transfer to the forest clerk.

[NOTE.—This correction should be made by running black-ink lines through the printed lines on the old loose leaf, a new page not having been printed.]

#### NOTICE OF AMENDMENT No. 259.

**Page 79-L.** Instructions under the caption "General Instructions" are amended, effective September 8, 1917, by striking out the subhead "Duty of Secretary of Agriculture" and the paragraph thereunder.

#### NOTICE OF AMENDMENT No. 260.

**Page 79-L.** Instructions under the subhead "Areas Excepted from the Act" are modified, effective September 8, 1917, by striking out in the second line of the paragraph the words "nor to parts of Lawrence and Pennington Counties in South Dakota except where the land was settled upon or occupied prior to January 1, 1906."

#### NOTICE OF AMENDMENT No. 261.

**Page 79-L.** Instructions under the subhead "Survey and Notices on Un-surveyed Land Before Patent" are modified, effective September 8, 1917, by substituting the word "*entry*" for the word "settlement" in the fourth line of the paragraph.

## NOTICE OF AMENDMENT No. 262.

**Page 80-L.** Instructions under the subhead "Small Areas" are modified, effective September 8, 1917, by substituting the words "*an applicant*" for the words "the applicant" in the fourth line of the paragraph. Also by striking out at the beginning of the fifth line of the paragraph the word "However."

## NOTICE OF AMENDMENT No. 263.

**Page 91-L.** Instructions under the subhead "Indian Allotment Under Act of June 25, 1910 (36 Stat., 855)," are modified September 8, 1917, by substituting for the last two words, "were then," in the second line of the paragraph the word "*are,*" and in the third line the word "*have*" for the word "had."

Also by inserting in the first line of the second paragraph, after the words "National Forests," the words "*occupied or improved by him prior to the Forest withdrawal or prior to June 25, 1910.*"

## NOTICE OF AMENDMENT No. 264.

**Page 92-L.** Instructions under the subhead "Indian Allotment Under Act of June 25, 1910 (36 Stat., 855) (p. 91-L) are modified, effective September 8, 1917, by adding the following new paragraph just before the caption "Procedure in District Office":

*If the application is for land which was not occupied or improved by the Indian on June 25, 1910, or prior to the withdrawal for National Forest purposes, if subsequent to that date, it will be treated as though it were an application to settle upon land applied for under the Forest Homestead law. The district forester will have the necessary investigation made and if the land is not such as can be listed under the Forest Homestead law he will advise the applicant that he can not be granted a permit to settle, and that therefore his application for an Indian allotment can not be consummated or entertained. If the land is such as can be listed under the Forest Homestead law, the district forester will notify the supervisor to issue a free special use permit to the applicant, authorizing him to occupy and improve the listable area. As soon as the applicant has established his home on the land, the supervisor will notify the district forester, who will thereafter treat the listable area involved in the case exactly the same as though it were covered by an allotment application involving settlement prior to the creation of the National Forest or prior to June 25, 1910.*

## NOTICE OF AMENDMENT No. 265.

**Page 92-L.** Instructions under the subhead "Action on Receipt of Application" are modified, effective September 8, 1917, by striking out in the first line of the paragraph the words "for this class" and inserting the word "*Nonactionable*" before the word "applications," so that the first sentence will read: "*Nonactionable applications will be returned promptly without recording, with a statement for the reason for nonacceptance.*"

## NOTICE OF AMENDMENT No. 266.

**Page 92-L.** Instructions under the subhead "Securing Status and Notation on Tract Books" are modified, effective September 8, 1917, by striking out all of the last paragraph.

## NOTICE OF AMENDMENT No. 267.

**Page 92-L.** Instructions under the subhead "Notification to Applicant of Acceptance of Application" are amended, effective September 8, 1917, by striking out in the second line of the paragraph the words "if not in conflict with an administrative site."



## NOTICE OF AMENDMENT No. 268.

Page 93-L. Instructions under the subhead "Withdrawal of Applications" are modified, effective September 8, 1917, by substituting the following for the first sentence of the paragraph:

*Applications may be withdrawn at any time prior to the transmission of the listing letter by the district forester; no further applications for the same tract of land will be received, but the land will be examined and if found listable will be opened to entry without naming a preferred applicant.*

## NOTICE OF AMENDMENT No. 269.

Page 94-L. Instructions under the subhead "Rejection of Applications" (p. 93-L) are modified, effective September 8, 1917, by striking out all of the last paragraph.

## NOTICE OF AMENDMENT No. 270.

Page 94-L<sup>1</sup>. Instructions are modified, effective September 8, 1917, by adding the words, "Second form," to the first subhead on this page so that it will read: "*Applications in Conflict with Second-form Reclamation Withdrawals.*"

Also by inserting "*Application for School Sections*" as a subhead over the second paragraph under the old subhead, "*Applications in Conflict with Reclamation Withdrawals.*"

[NOTE.—The modification in instructions on pages 91-L to 96-L will reduce the matter so that the odd page (94-L<sup>1</sup>) is eliminated.]

## NOTICE OF AMENDMENT No. 271.

Page 95-L. Instructions under the subhead "Preparation of Secretary's and District Forester's Letters" are modified, effective September 8, 1917, by striking out the standard form for listing letters which comprises the first 11 lines under the subhead.

## NOTICE OF AMENDMENT No. 272.

Page 96-L. Instructions under the subhead "Preference Rights" are modified, effective September 8, 1917, by striking out all of the fourth paragraph.

## NOTICE OF AMENDMENT No. 273.

Page 96-L. Instructions under the subhead "Closing Cases" are modified, effective September 8, 1917, by substituting for the first sentence in the first paragraph the following two sentences:

*All withdrawn cases will be closed upon the date that final action is taken by the district forester. All rejected cases will be closed upon receipt of Form 703, showing that the area has been classified by the Secretary as nonlistable.*

## NOTICE OF AMENDMENT No. 274.

Page 86-L. Instructions under the subhead "Examiner's Discretion as to Form of Farm Units" (p. 85-L) are modified, effective October 1, 1917, by substituting the word "*land*" for "*and*" after the word "*agriculture*" in the fifth line from the top of the page.

[NOTE.—This correction should be made in ink on the old loose leaf, a new page not having been printed.]

## NOTICE OF AMENDMENT No. 275.

Page 90-L. Instructions under the subhead "Record on Tract Book of Final Action by Secretary or District Forester," are modified, effective October 1, 1917, by inserting the word "*not*" after the word "*was*" in the ninth line of the paragraph so that the sentence will read "*Where rejection has been necessary because the land was not chiefly valuable for Agriculture,*" etc.

[NOTE.—This correction should be made in ink on the old loose leaf, a new page not having been printed.]

October 1, 1917.

(INSTRUCTIONS—AMENDMENTS—67.)

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#### NOTICE OF AMENDMENT NO. 276.

**Page 57-L.** Instructions under the subhead "Special Requirements in Cultivation Permit" are modified, effective January 8, 1918, by substituting in the first line the word "*such*" for the word "annual," and by striking out the word "that" in the second line; also by inserting additional instructions as a second paragraph.

#### NOTICE OF AMENDMENT NO. 277.

**Page 66-L.** Instructions are modified, effective February 5, 1918, by adding a new subhead, "*Forest Lieu selections; Reconveyed Lands,*" and three paragraphs thereunder just before the subhead "Joint Regulations Relating to Claims Procedure."

#### NOTICE OF AMENDMENT NO. 278.

**Page 98-L<sup>5</sup>.** Instructions are modified, effective December 1, 1917, by adding a new subhead, "*Abandoned Surveys,*" and four paragraphs thereunder just before the caption "Annual Reports"; also by striking out of the first and second lines of the paragraph headed "Statistical Reports" the words "or sheets"; also by striking out of the first line of the paragraph headed "Inspection Report" the word "and" and by inserting in the second line between the words "inclosing" and "copies" the word "*duplicate.*"

#### NOTICE OF AMENDMENT NO. 279.

**Page 15-A.** Instructions under the caption "Betterment of the Force" (page 14-A<sup>1</sup>) are modified, effective April 1, 1918, by substituting new instructions under the present subheads "Details to Forest Offices," "Details to District Offices," and "Details to Washington Office."

#### NOTICE OF AMENDMENT NO. 280.

**Page 27-A.** Instructions under the subhead "Requisitions" are modified, effective April 1, 1918, by substituting for the fourth sentence in the second paragraph the following:

*Supervisors, chiefs of maintenance, and officers in charge of experiment and other field stations will make requisitions quarterly for the equipment, stationery, office supplies, and printed forms required in their work, respectively. To avoid congestion at the supply depot and to insure prompt service quarterly requisitions should be submitted as follows: Districts 1 and 2, on the first day of March, June, September, and December; Districts 3 and 4, on the first day of January, April, July, and October; Districts 5 and 6, on the first day of February, May, August, and November.*

#### NOTICE OF AMENDMENT NO. 281.

**Page 62-S.** Instructions under the subhead "Scale Books" are modified, effective July 1, 1918, by adding form number 285 between form numbers 231 and 651 in the second line of the first paragraph.

#### NOTICE OF AMENDMENT NO. 282.

**Page 62-S.** Instructions under the subhead "Penalty Scale Reports" are modified, effective July 1, 1918, by substituting a new paragraph for the present instructions.

#### NOTICE OF AMENDMENT NO. 283.

**Page 63-S.** Instructions under the four subheads "Report of Timber Cut and Sold," "District Forester's Monthly Report," "Annual Report," and "Report on Miscellaneous Products," are modified, effective July 1, 1918, by substituting, in each instance, new instructions for the present ones.

[NOTE.—This page has been reprinted. The one for the April amendments was punched on the wrong side, and should be destroyed.]

July 1, 1918.

(INSTRUCTIONS—AMENDMENTS—69.)

## NOTICE OF AMENDMENT NO. 284.

**Page 64-S.** Instructions under the subhead "Summary Record" are modified, effective July 1, 1918, by substituting the following for the fourth sentence of the paragraph: "*Whenever a report on form 949 is prepared, the quantity and value of each class of timber sold and cut will be entered on summary card.*"

## NOTICE OF AMENDMENT NO. 285.

**Page 102-L.** Instructions just above the caption "Public Service Sites" are modified, effective July 1, 1918, by substituting thereunder a new subhead, "*Water Reservation and Appropriation,*" and new instructions for the subhead "Water Appropriations" and the instructions thereunder.

## NOTICE OF AMENDMENT NO. 286.

**Page 12-G.** Instructions under the subhead "Special Rules" are modified, effective July 1, 1918, by substituting the following for the first paragraph:

*Special rules designed to bring about economies of operation, larger natural increases, improved grades of live stock, etc., should not be drafted or enforced except upon the specific request of an officially recognized advisory board, and where such rules will tend to prevent damage to the Forest lands or secure a more complete or more economic use of the Forest resources.*

## NOTICE OF AMENDMENT NO. 287.

**Page 23-G.** Instructions under the subhead "Minimum Division of Rate" are modified, effective July 1, 1918, by substituting, in the fifth line of the paragraph, for the figures 6.87 the figures 6.875, and for the figures 6.88 the figures 6.876.

[NOTE.—This correction should be made in ink on the old loose leaf, a new page not having been printed.]

## NOTICE OF AMENDMENT NO. 288.

**Page 34-G.** New instructions are added, effective July 1, 1918, by adding a new subhead, "*List of Stockholders,*" and instructions thereunder after the paragraph headed "Membership in Firms or Corporations."

## NOTICE OF AMENDMENT NO. 289.

**Page 36-G.** Instructions under the subhead "Temporary Use of Range" are modified, effective July 1, 1918, by adding the following as a second paragraph:

*In cases where class B permittees with established grazing preferences are grazing stock up to the maximum limits for a Forest and are also securing additional grazing privileges under temporary permits, the supervisor may refuse to renew such temporary permits, and, in order to secure wider distribution of the grazing privileges, may approve applications from properly qualified new class B applicants to occupy the vacated range under the provisions of Reg. G-14.*

## NOTICE OF AMENDMENT NO. 290.

**Page 38-G.** Instructions under the subhead "Order of Preference" are modified, effective July 1, 1918, by substituting, in the paragraph headed "Class C. Owners of Transient Stock," in lines 4 and 5, the word "*permittees*" for the word "*applicants.*"

[NOTE.—This correction should be made in ink on the old loose leaf, a new page not having been printed.]

## NOTICE OF AMENDMENT NO. 291.

**Pages 40-G and 41-G.** Instructions under the subhead "Maximum Limits, General Purpose" are modified, effective July 1, 1918, by substituting the following for the second paragraph:

*Renewals of old permits in excess of the maximum limit may be allowed, but the purchase of stock and ranches will not entitle the purchaser to a renewal of permit in excess of it unless the district forester authorizes a suspension of the maximum limit restrictions.*

Also by striking out of the first line of the third paragraph the word "*lessees*" and inserting in the second line for the word "*purchase*" the word "*lease.*"

July 1, 1918.

(INSTRUCTIONS—AMENDMENTS—70.)



#### NOTICE OF AMENDMENT NO. 292.

**Page 42-G.** Instructions under the subhead "Division of Outfits" are modified, effective July 1, 1918, by substituting two new paragraphs for the present instructions.

#### NOTICE OF AMENDMENT NO. 293.

**Page 42-G.** Instructions under the subhead "Renewal to Estates" are modified, effective July 1, 1918, by adding new instructions as a second paragraph.

#### NOTICE OF AMENDMENT NO. 294.

**Page 45-G.** Instructions under the subhead "Special Rules Must Be Incorporated in Permit" are modified, effective July 1, 1918, by adding an additional paragraph and the words "*or Stipulations*" to the heading.

#### NOTICE OF AMENDMENT NO. 295.

**Page 47-G.** Instructions are modified, effective July 1, 1918, by adding at the top of the page a new subhead, "*Payment of Bonus,*" and instructions thereunder.

#### NOTICE OF AMENDMENT NO. 296.

**Page 50-G.** Instructions under the subhead "Number of Stock To Be Awarded" are modified, effective July 1, 1918, by striking out in lines 4 and 5 of the second paragraph the words "which will make available an additional number of stock not exceeding 3 per cent of the total authorization."

#### NOTICE OF AMENDMENT NO. 297.

**Page 50-G.** Instructions under the subhead "Maximum Reduction to Private Range" are modified, effective July 1, 1918, by substituting the words "New applications or increases to class A permittees" for the first four words of the paragraph.

#### NOTICE OF AMENDMENT NO. 298.

**Page 51-G.** Instructions under the subhead "When Allowed for Full Protective Limit Number" are modified, effective July 1, 1918, by inserting the word "*temporary*" between the words "allowed" and "permittees" in the third line.

Also by inserting at the end of the paragraph (*See also pp. 33-G and 36-G.*)

#### NOTICE OF AMENDMENT NO. 299.

**Page 66-G.** Instructions under the subhead "Rangers to Supervisors" are modified, effective July 1, 1918, by substituting the following for the first paragraph:

*Forest rangers will submit an annual report on a date established by each district forester on the conditions of the stock and range under their charge in accordance with the outline on Form 658.*

Also by striking out in the first line of the second paragraph the words "for the quarter ending September 30."

#### NOTICE OF AMENDMENT NO. 300.

**Page 20-A.** Instructions under the subhead "Diaries" are modified, effective April 15, 1918, by striking out all of the second sentence in the first paragraph.

#### NOTICE OF AMENDMENT NO. 301.

**Page 21-A.** Instructions under the subhead "Records of Conferences" are modified, effective July 1, 1918, by substituting a new paragraph for the present instructions.

#### NOTICE OF AMENDMENT NO. 302.

**Page 22-A.<sup>1</sup>** Instructions under the subhead "Subsistence and Lodging" are modified, effective May 10, 1918, by striking out all of the second paragraph.

July 1, 1918.

(INSTRUCTIONS—AMENDMENTS—71.)

#### NOTICE OF AMENDMENT NO. 303.

**Page 26-A.** Instructions under the subhead "Expendable and Nonexpendable Property" are modified, effective July 1, 1918, by substituting a new paragraph for the present instructions

#### NOTICE OF AMENDMENT NO. 304.

**Page 26-A.** Instructions under the subhead "Individual Accountability" are modified, effective July 1, 1918, by substituting a new paragraph for the present instructions on pages 26-A and 27-A.

#### NOTICE OF AMENDMENT NO. 305.

**Page 27-A.** Instructions under the subhead "Service Accountability" are modified, effective July 1, 1918, by substituting the following for the last paragraph:

*The record of expendable property will consist of receipts, which will show the kind, quantity, and cost of the articles (including printed forms) obtained on requisition from the supply depots, and of abstracts made by the property auditor from memorandum copies, Form 5a, and reimbursement accounts (Form 4), showing all expendable supplies obtained by field purchase under letters of authorization.*

#### NOTICE OF AMENDMENT NO. 306.

**Page 27-A.** Instructions under the subhead "Identification of Property" are modified, effective July 1, 1918, by substituting two new paragraphs for the present instructions.

#### NOTICE OF AMENDMENT NO. 307.

**Page 27-A.** Instructions under the subhead "Requisitions" are modified, effective July 1, 1918, by striking out all of the 6th and 7th sentences beginning "The property clerk is not expected," etc., and "All other requisitions," etc.

#### NOTICE OF AMENDMENT NO. 308.

**Page 28-A.** Instructions under the subhead "Property Procured by Purchase" are modified, effective July 1, 1918, by substituting four new paragraphs for the present five paragraphs.

#### NOTICE OF AMENDMENT NO. 309.

**Page 28-A.** Instructions are modified by inserting following the instructions under the heading "Property Procured by Purchase" the following new subhead and instructions thereunder:

##### **Property Manufactured or Found.**

*When nonexpendable property is manufactured, or recovered after having previously been reported on Form 858 it must be reported to the property auditor at once on Form 939. The actual or estimated cost should be shown for each article.*

#### NOTICE OF AMENDMENT NO. 310.

**Page 29-A.** Instructions under the subhead "Property Procured by Transfer" are modified, effective July 1, 1918, by substituting the following for the present first paragraph:

*When expendable property is issued by a property clerk to a custodian, four copies of an invoice with Form 939 as the original and three carbons on yellow sheets will be prepared by the property clerk. He will keep one copy, send the Form 939 and one copy to the custodian to whom the property is issued, and the third copy to the property auditor. On receipt of the property the custodian will date and sign the Form 939 as a receipt and mail it to the property auditor, who, after comparing his file copy with the receipt, will destroy the file copy.*

July 1, 1918.

(INSTRUCTIONS—AMENDMENTS—72.)



#### NOTICE OF AMENDMENT NO. 311.

**Page 31-A.** Instructions under the subhead "Property Losses" are modified, effective July 1, 1918, by substituting a new paragraph for the present first paragraph.

#### NOTICE OF AMENDMENT NO. 312.

**Page 33-A.** Instructions under the subhead "Annual Return of Nonexpendable Property" are modified, effective July 1, 1918, by substituting a new paragraph for the present first paragraph.

#### NOTICE OF AMENDMENT NO. 313.

**Page 33-A.** The subhead "Annual Return of Expendable Property" and the instructions thereunder are stricken out, effective July 1, 1918.

#### NOTICE OF AMENDMENT NO. 314.

**Page 33-A.** Instructions under the subhead "Property Auditor's Reports" are modified, effective July 1, 1918, by substituting two new paragraphs for the present instructions.

#### NOTICE OF AMENDMENT NO. 315.

**Page 33-A.** Instructions under the subhead "Property Inspection" are modified, effective July 1, 1918, by substituting a new paragraph for the present instructions.

#### NOTICE OF AMENDMENT NO. 316.

**Pages 19-A to 34-A.** Owing to the number of changes in pages 19-A to 34-A, inclusive, all of them, including several that are not modified, have been reprinted.

#### NOTICE OF AMENDMENT NO. 317.

**Page 10-T.** Instructions under the subhead "Report" was modified, effective July 1, 1918, by inserting the following after the word "trespass" in the sixth line of the paragraph: *"including all animals old enough actually to consume the forage products upon the lands of the United States."*





### NOTICE OF AMENDMENT NO. 318.

Pages 8-S, 42-S, 57-S, and 60-S. Instructions are amended, effective October 1, 1918, by making the following corrections: Page 8-S, last line, substitute "16" for "37, p. 27." Page 42-S, last line, substitute "87" for "69, page 31." Page 57-S, second paragraph, seventh line, substitute "43 to 49 inclusive" for "29 and 30, p. 27." Page 60-S, under the subhead "Requirements of Purchasers," substitute "45, 46, and 47" for "29, 30, and 32, p. 27."

[NOTE.—These corrections should be made in ink on the old loose leaves, new pages not having been printed.]

### NOTICE OF AMENDMENT NO. 319.

Pages 9-S, 10-S, 11-S, 13-S, 14-S, 15-S, 18-S, 19-S, 20-S, and 20-S.<sup>1</sup> Instructions are modified, effective October 1, 1918, by changing the standard clause numbers in these pages. In reprinting these pages, the page numbers 16-S<sup>1</sup>, 20-S<sup>1</sup>, and 20-S<sup>2</sup> have been eliminated.

### NOTICE OF AMENDMENT NO. 320.

Pages 21-S to 32-S. Instructions under the caption "Special Clauses for Sample Agreements and Sale Contracts" are modified, effective October 1, 1918, by revising all of the instructions under this caption. The clauses are rearranged, renumbered, and new ones inserted. In reprinting these pages, the page numbers 30-S<sup>1</sup> and 30-S<sup>2</sup> have been eliminated and 32-S<sup>1</sup>, 32-S<sup>2</sup>, 32-S<sup>3</sup>, 32-S<sup>4</sup>, and 32-S<sup>5</sup> added.

### NOTICE OF AMENDMENT NO. 321.

Page 78-S. Instructions are modified, effective October 1, 1918, by adding under the new Regulation S-28a a new subhead, "Applications," and instructions thereunder.

### NOTICE OF AMENDMENT NO. 322.

Page 50-G. Instructions are modified, effective October 15, 1918, by striking out under the caption "Instructions and Procedure" the first subhead, "Applications Six Months in Advance," and the two paragraphs thereunder.

### NOTICE OF AMENDMENT NO. 323.

Page 30-A. Notice of Amendment No. 258 gives instructions to run a black-ink line through the third and fourth sentences under the subhead "Forest Custodian" on page 29-A. This page was reprinted in July, but through an oversight the sentences were not omitted. These sentences, which are now on page 30-A, should be stricken out as outlined in Notice of Amendment No. 258.

### NOTICE OF AMENDMENT NO. 324.

Page 11-T. Instructions under the subhead "What Constitutes Occupancy Trespass," are modified, effective October 1, 1918, by adding in the third line of the first paragraph the word "*lawful*" before the word "hunting."

[NOTE.—This correction should be made in ink on the old loose leaf, a new page not having been printed.]

### NOTICE OF AMENDMENT NO. 325.

Page 13-T. Instructions are amended, effective October 1, 1918, by adding after the new Regulation T-7a a new paragraph and instructions under the subhead "What Constitutes Trespass" and a new paragraph and instructions under the subhead "Report and Procedure."

#### NOTICE OF AMENDMENT NO. 326.

**Page 62-G.** Instructions under Regulation G-30 are amended, effective October 1, 1918, by striking out all of the paragraph under the caption "Instructions and Procedure," and substituting four new paragraphs.

#### NOTICE OF AMENDMENT NO. 327.

**Pages 62-G and 63-G.** Instructions under the subhead "Cooperation with States" are amended, effective October 1, 1918, by striking out of the first and second lines the words "and where such laws are fully and conscientiously enforced by the State officers"; also from the fourth line the words "within the limitations specified above." On page 63-G strike out all of the second sentence, beginning with "The point at which," etc., and part of the third sentence, beginning "There should be a general" and ending with "game law, and." With these eliminations the word "It" will start a new sentence.

#### NOTICE OF AMENDMENT NO. 328.

**Page 63-G.** Instructions under the subhead "States that Do Not Cooperate with Forest Service," are modified, effective October 1, 1918, by adding the following as a second paragraph:

*Persons who enter the National Forests for the purpose of hunting contrary to the provisions of the State game laws may be prosecuted for trespass. (See Regulation T-7a.)*

#### NOTICE OF AMENDMENT NO. 329.

**Page 22-A.** Instructions are modified, effective October 1, 1918, by substituting for the present paragraph under the subhead "Agreement for Motor Vehicles," a new paragraph of instructions under a new subhead "*Reimbursement of Mileage Charges.*"



### NOTICE OF AMENDMENT NO. 330.

Page 5-G. Instructions are modified, effective February 15, 1919, by substituting a new subhead "*Authorization for Five-Year Permits*" and three paragraphs thereunder for the present subhead "Authorization of Term Applications" and one paragraph thereunder.

### NOTICE OF AMENDMENT NO. 331.

Page 7-G. Instructions are modified, effective February 15, 1919, by adding a new subhead "*Five-Year Periods, Definition of*" and one paragraph thereunder just before the paragraph headed "Special Seasons."

### NOTICE OF AMENDMENT NO. 332.

Page 13-G. Instructions are modified, effective February 15, 1919, by adding the words "*or validated*" after the word "issued" in the last line of the first paragraph under the subhead "Notice of Assessments."

[NOTE.—This correction should be made in ink on the old loose leaf, a new page not having been printed.]

### NOTICE OF AMENDMENT NO. 333.

Page 16-G<sup>1</sup>. Instructions are modified, effective February 15, 1919, by adding the words "*for such other purposes as may be approved by the advisory board*" after the word "derived" in the fourth line of the last paragraph under the subhead "Payment of Pro Rata Charge."

### NOTICE OF AMENDMENT NO. 334.

Page 16-G<sup>2</sup>. Instructions are modified, effective April 15, 1919, by adding a new subhead "*Individual Improvements, Payment for*," just above the caption "Stock Exempt from Permit."

### NOTICE OF AMENDMENT NO. 335.

Page 17-G. Instructions are modified, effective February 15, 1919, by adding at the beginning of the paragraph under the subhead "Exempt Animals" the words "*Except as provided in the regulations*".

### NOTICE OF AMENDMENT NO. 336.

Page 18-G. Instructions are modified, effective February 15, 1919, by adding as a new sentence the words "*Five-year permits will not be issued for 'on-and-off' stock*" just before the last sentence of the paragraph under the subhead "Issuance of Permit."

### NOTICE OF AMENDMENT NO. 337.

Page 20-G. Instructions are modified, effective February 15, 1919, by adding a new subhead "*Five-Year G-7 Permits*" and paragraph thereunder just before the paragraph headed "Procedure." Also by adding the letter "a" after the words "Form 656" in the second line of the second paragraph under the subhead "Procedure."

### NOTICE OF AMENDMENT NO. 338.

Page 25-G. Instructions are modified, effective February 15, 1919, by adding a new subhead "*Payments on Five-Year Permits*" and paragraph thereunder just before the paragraph headed "Emergency Concessions."

#### NOTICE OF AMENDMENT NO. 339.

**Page 28-G.** Instructions are modified, effective February 15, 1919, by substituting the words "*at the discretion of the supervisor,*" for the words "when authorized by the district forester," in the last line of the paragraph under the subhead "Advertisements." Also by adding the words "*either annual or short-period*" after the word "held" in the first line of the paragraph under the subhead "Notification of Permittees."

#### NOTICE OF AMENDMENT NO. 340.

**Page 30-G.** Instructions are modified, effective February 15, 1919, by substituting a new subhead "*Applications for Five-Year Permits*" and four paragraphs thereunder, for the present subhead "Application for Term Permits" and two paragraphs thereunder.

#### NOTICE OF AMENDMENT NO. 341.

**Page 31-G.** Instructions are modified, effective February 15, 1919, by substituting the words "*five-year*" for the word "term" in the first line of the second paragraph under the subhead "Method of Approval" (page 30-G). Also by substituting the words "*five-year*" for the word "term" in the first line of the first paragraph under the subhead "Card Record." Also by adding a new subhead "*Approval of Five-Year Applications*" and four paragraphs thereunder just before the instructions headed "District Office File and Check."

#### NOTICE OF AMENDMENT NO. 342.

**Page 31-G.** Instructions are modified, effective April 15, 1919, by adding the following as a second paragraph under the subhead "Method of Disapproval":

*District foresters may authorize supervisors to omit sending to them copies of letters in cases of partial disapproval.*

#### NOTICE OF AMENDMENT NO. 343.

**Page 32-G.** Instructions are modified, effective February 15, 1919, by adding a new subhead "*Definition of the Term 'Commensurate Ranch Property'*" and paragraph thereunder just before the instructions headed "Ranch Property Must be Owned."

#### NOTICE OF AMENDMENT NO. 344.

**Page 32-33-G.** Instructions are modified, effective February 15, 1919, by substituting six paragraphs of instructions for the present three paragraphs under the subhead "Nonuse of Range."

Also by adding a new subhead "*New Applicants, Class B*" and two paragraphs thereunder just before the instructions headed "Cooperative Association."

#### NOTICE OF AMENDMENT NO. 345.

**Page 33-G.** Instructions under the subhead "Firm, Partnership, or Copartnership" are modified, effective April 15, 1919, by substituting the following for the words "ownership of improved ranch property after three years' successive use of range under temporary permits," at the bottom of the second paragraph: "*joint ownership of commensurate, dependent, improved ranch property, or individual ownership of such ranch property commensurate with each member's interest in the permitted stock, and three years' successive use of range under temporary permits. (See p. 42, 'Division of Outfits.')*"



## NOTICE OF AMENDMENT NO. 346.

**Page 36-G.** Instructions are modified, effective February 15, 1919, by adding at the beginning of the first paragraph under the subhead "When Temporary Permits Become Permanent" the words "*Within the discretion of the district forester.*" Also by substituting the word "*may*" for the word "*will*" in the second line of the present paragraph, and by striking out the word "*as*" in the same line.

## NOTICE OF AMENDMENT NO. 347.

**Page 38-G.** Instructions are modified, effective February 15, 1919, by substituting the word "*and*" for the word "*or*" in the fourth line of paragraph "Class B" under the subhead "Order of Preference." Also by adding the following as a last sentence of paragraph "Class B": "*Upon Forests not fully stocked they may also secure temporary permits.*"

Also by adding new instructions as a second paragraph under the subhead "*Dependence Upon Range.*"

## NOTICE OF AMENDMENT NO. 348.

**Page 42-G.** Instructions are modified, effective February 15, 1919, by adding the words "*in accordance with the provisions of Regulation G-18*" at the end of the first sentence of the second paragraph under the subhead "Renewal to Estates."

Also by adding a new subhead "*Renewal of Five-Year Permits*" and paragraph thereunder just before the caption "Increases and Reductions."

## NOTICE OF AMENDMENT NO. 349.

**Page 42-G.** Instructions are modified, effective April 15, 1919, by adding the following as a last sentence in the paragraph under the subhead "Partnership Agreement": "*If the purchaser already owns commensurate dependent ranch property a share of the stock only may be transferred. (See p. 34, 'Firm, Partnership, or Copartnership, 2d paragraph.')*"

## NOTICE OF AMENDMENT NO. 350.

**Page 42-G.** Instructions are modified, effective April 15, 1919, by substituting a new paragraph for the present third paragraph under the subhead "Division of Outfits."

## NOTICE OF AMENDMENT NO. 351.

**Page 43-G.** Instructions are modified, effective February 15, 1919, by substituting a new subhead "*Increase in Five-Year Permits*" and paragraph thereunder for the present subhead "Increase in Term Permits" and paragraph thereunder.

## NOTICE OF AMENDMENT NO. 352.

**Page 44-G.** Instructions are modified, effective February 15, 1919, by substituting a new subhead "*Reduction in Five-Year Permits*" and two paragraphs thereunder for the present subhead "Reductions in Term Permits" and three paragraphs thereunder.

Also by adding after the subhead "Issuance of Grazing Permits, How Permits are Prepared" and paragraph thereunder, two new subheads "*Issuance of Five-Year Permits, How Prepared,*" and "*Five-Year Permits, Validation and Continuation of,*" respectively, and instructions there under.

## NOTICE OF AMENDMENT NO. 353.

**Page 45-G.** Instructions are modified, effective February 15, 1919, adding after the paragraph headed "Date Yearlong Permits will Begin" a new subhead "*Five-Year Permits, Maximum Limits*" and paragraph thereunder.

Also by substituting a new subhead "*Annual Permits on Five-Year Forests*" and paragraph thereunder for the present subhead "Designation of Term Permits" and paragraph thereunder.

Also by substituting the word "*must*" for the word "*will*" in the first line of the second paragraph under the subhead "Special Rules or Stipulations Must be Incorporated in Permit."

Also by adding a new subhead "*Range Description in Five-Year Permits*" and paragraph thereunder just before the subhead "Map to Accompany Permit."

#### NOTICE OF AMENDMENT NO. 354.

**Page 46-G.** Instructions are modified, effective February 15, 1919, by substituting the words "*period for which fees have been paid*" for the word "*season*" at the end of the first sentence under the subhead "Free Permits to Purchasers, Sale with Waiver."

#### NOTICE OF AMENDMENT NO. 355.

**Page 47-G.** Instructions are modified, effective February 15, 1919, by substituting the words "*paid for in*" for the words "*covered by*" in the seventh line under the subhead "Free Permits to Purchasers, Sale without Waiver."

#### NOTICE OF AMENDMENT NO. 356.

**Page 50-G.** Instructions are modified, effective February 15, 1919, by striking out the subhead "When Reductions Should Not be Made" and instructions thereunder.

Also by substituting the words "*less than*" in the second line under the subhead "When Restricted to One-Fourth of Protective Limit."

#### NOTICE OF AMENDMENT NO. 357.

**Page 51-G.** Instruction are modified, effective February 15, 1919, by striking out the second sentence and page reference under the subhead "When Allowed for Full Protective Limit Number."

#### NOTICE OF AMENDMENT NO. 358.

**Pages 59-L, 60-L.** Instructions are modified, effective April 1, 1919, by striking out the captions "Corrals" and "Drift Fences" and all of the instructions thereunder and substituting a new caption "*Corrals,*" "*Drift Fences, and Enclosures*" and new subheads and instructions thereunder.

#### NOTICE OF AMENDMENT NO. 359.

**Pages 61-L, 62-L.** Instructions are modified, effective April 1, 1919, by striking out the caption "Pastures" and all of the subheads and instructions thereunder.

#### NOTICE OF AMENDMENT NO. 360.

**Page 98-L<sup>6</sup>.** Instructions are modified, effective April 1, 1919, by substituting a new subhead "*Record of Township Invaded*" and instructions thereunder for the present subhead "Allotment Report" and instructions thereunder.

#### NOTICE OF AMENDMENT NO. 361.

**Page 11-A.** Instructions are modified, effective April 1, 1919, by substituting new instructions for the entire section under the subhead "Leave of Absence."

#### NOTICE OF AMENDMENT NO. 362.

**Page 11-A.** Instructions are modified, effective April 1, 1919, by adding the words "*for transportation of body of resident of United States dying away from home station, if relatives desire it,*" after the word "*treatment*" in the ninth line of the first paragraph under the subhead "Compensation for Injuries."



### NOTICE OF AMENDMENT NO. 363.

**Page 12-A.** Instructions are modified, effective April 1, 1919, by substituting the following sentence for the last sentence under the subhead "Civil Service Eligibles:"

*The procedure in handling certificates of eligibles, for either permanent or temporary appointment, as given in paragraphs 64 to 91, inclusive, of the Administrative Regulations of the Department of Agriculture, revised to August 1, 1918, must be followed strictly.*

### NOTICE OF AMENDMENT NO. 364.

**Page 49-A.** Instructions are modified, effective April 1, 1919, by adding the following sentence after the word "abbreviated" in the seventh line under the caption "Telegrams:"

*"Dictionary words or parts of such words should not be combined in single words for purposes of abbreviation; they are counted as separate words, and clearness is sacrificed without compensating economy."*

Also by substituting the words "*Forest Service*" for the word "Forester" on the fourth line of the second paragraph under the subhead "Telegrams" and for the word "Forestry" on the sixth, eighth, tenth, and twelfth lines of this paragraph.

Also by inserting the words "*in the body of the message*" after the word "punctuation" in the second line of the fourth paragraph under the caption "Telegrams."

### NOTICE OF AMENDMENT NO. 365.

**Page 68-S.** Instructions were modified, effective April 10, 1917, by striking out the words "salmon-colored" in the third line of the first paragraph under the subhead "Bids and Awards."

Instructions were also modified, effective January 1, 1919, by striking out the word "salmon" in the second line of the third paragraph under the subhead "Sample Agreement."

**NOTE.**—These corrections should be made in ink on the old loose leaf, a new page not having been printed.

### NOTICE OF AMENDMENT NO. 366.

**Page 70-S.** Instructions were modified, effective April 10, 1917, by striking out the word "blue" in the last line of the first paragraph under the subhead "Bids and Awards."

**NOTE.**—This correction should be made in ink on the old loose leaf, a new page not having been printed.

### NOTICE OF AMENDMENT NO. 367.

**Page 82-L<sup>1</sup>.** Instructions are modified, effective April 1, 1919, by adding a new subhead "*Entry of Status on Tract Book*" and letter symbol status legend, which is used in making written status reports and in posting status record, at the top of a new page (82-L<sup>1</sup>). This new page is to be inserted between pages 82-L and 83-L).





### NOTICE OF AMENDMENT NO. 368.

**Pages 21-A and 22-A.** Instructions under the subhead "Forage" are modified, effective July 1, 1919, by striking out the first two paragraphs on page 21-A and by substituting the following for the last three sentences of the first paragraph on page 22-A:

*Forest officers who supply forage to the horses of visiting forest officers will keep a record of the amount of the forage thus furnished. If this drain upon his allotment necessitates a readjustment during the fiscal year, this record will be furnished to the supervisor and will be given proper consideration in taking such action as may be required.*

### NOTICE OF AMENDMENT NO. 369.

**Page 25-A.** Instructions under the subhead "Reimbursement for Horses and Equipment Lost, Damaged, or Destroyed While in Official Use" are modified, effective September 1, 1919, by adding to the first sentence the following: "*unless the contract of hire requires the owner or custodian of such horses, vehicle, or other equipment to furnish the same at his own risk.*" Also by striking out the second and third sentences of the paragraph.

### NOTICE OF AMENDMENT NO. 370.

**Pages 25-A and 26-A.** Instructions under the caption "Quarters" are modified, effective September 1, 1919, by adding the following to the first paragraph: "*Leases for district headquarter offices will be executed by the Secretary. Leases for supervisors' offices, rangers' offices, storage, and other quarters, originating within the districts will be executed by the district foresters.*"

Also by striking out the two subheads "District Offices" and "Supervisors' Offices" and instructions thereunder.

On page 26, under the subhead "Rangers' Offices, Storage, and Other Quarters," instructions are modified by striking out the last sentence in the first paragraph.

### NOTICE OF AMENDMENT NO. 371.

**Pages 52-L and 53-L.** Instructions under the Special Uses Section are modified, effective October 1, 1919, by substituting new instructions for the present ones under the caption "Closing Special-Use Cases."

[NOTE.—Since the entire changes have been made on page 53-L only, it will be necessary to draw an ink line through the caption "Closing Special-Use Cases" and the three lines under it on page 52-L, this page not having been reprinted.]

### NOTICE OF AMENDMENT NO. 372.

**Pages 3-T to 22-T.** The Trespass Section of the National Forest Manual is revised, effective October 1, 1919. The object of the revision is to correlate the instructions under the various kinds of trespass and to amplify them in a number of important respects. Many of the changes are due to the increased authority granted field officers in the settlement of trespass cases. The entire Section of Trespass (pages 3-T to 22-T) has been reprinted,





#### NOTICE OF AMENDMENT NO. 373.

Page 11-A. Instructions under the subhead "Leave of Absence" are modified, effective April 1, 1920, by adding after the word Washington in the first line of the second paragraph, the words "*except in Alaska and Porto Rico.*"

Also by adding a new sentence at the end of the second paragraph.

Also by omitting the matter in the third line of the fourth paragraph, beginning "upon formal," etc., and ending with the words "written application," and by substituting new instructions therefor.

Also by adding a new paragraph (6) following paragraph (5).

#### NOTICE OF AMENDMENT NO. 374.

Page 22-A. Instructions are modified, effective December 9, 1919, by adding a new subhead "*Hiring Automobiles Owned by Forest Officers*" and instructions thereunder just preceding Regulation A-5.

#### NOTICE OF AMENDMENT NO. 375.

Page 27-A. Instructions are modified, effective April 1, 1920, by substituting new instructions for the four paragraphs under the subhead "Equipment."

#### NOTICE OF AMENDMENT NO. 376.

Page 44-A. Instructions under the caption "Form of Correspondence" are modified, effective April 1, 1920, by substituting new instructions for those under the subhead "Copying Ribbon—Record Ribbon."

#### NOTICE OF AMENDMENT NO. 377.

Page 12-G. Instructions under the subhead "Special Rules" are modified, effective January 1, 1920, by adding the words "*excluding those holding temporary permits*" between the words "permittees" and "using" in the last line of the second paragraph.

Also by adding a new sentence at the end of the first paragraph under the subhead "Assessments."

#### NOTICE OF AMENDMENT NO. 378.

Page 18-G. Instructions under the subhead "Issuance of Permit" are modified, effective January 1, 1920, by adding new instructions as a second paragraph. In making this addition the instructions under the above subhead have been divided into three paragraphs.

#### NOTICE OF AMENDMENT NO. 379.

Page 19-G. Instructions under the subhead "When Advantageous" are modified, effective January 1, 1920, by adding new instructions as a second paragraph.

#### NOTICE OF AMENDMENT NO. 380.

Page 21-G. Instructions under the caption "Instructions and Procedure" are modified, effective January 1, 1920, by amplifying the instructions under the subhead "No Charge for Ordinary Crossing Permits."

#### NOTICE OF AMENDMENT NO. 381.

Page 27-G. Instructions under the subhead "Procedure" are modified, effective January 1, 1920, by substituting for the present instructions five new paragraphs of instructions.

## NOTICE OF AMENDMENT NO. 382.

**Page 34-G.** Instructions under the subhead "Use of Common Brand or Mark" are modified, effective January 1, 1920, by substituting for the word "and" after the word "brand" in the first line the following: "*will not be allowed, but*".

[NOTE.—This correction should be made in ink on the old loose leaf, a new page not having been printed.]

## NOTICE OF AMENDMENT NO. 383.

**Page 49-G.** Instructions under the subhead "Purchase through Foreclosure" are modified, effective January 1, 1920, by adding a new paragraph of instructions after the first paragraph.

## NOTICE OF AMENDMENT NO. 384.

**Page 57-G.** Instructions under the subhead "Feed-Lot Counts" are modified, effective January 1, 1920, by substituting new instructions for the third sentence of the paragraph.



## NOTICE OF AMENDMENT NO. 385.

**Pages 71-G to 86-G.** A new index has been printed for the Grazing Section of the Manual.

[NOTE.—The leaves of the old index may be destroyed after the new ones have been inserted.]

## NOTICE OF AMENDMENT NO 386.

**Page 4-S.** Instructions are amended, effective July 10, 1920, by substituting a new subhead, "*From Locations Made Prior to Starting of Sale,*" for the subhead "From Locations Made Prior to Execution of the Contract," and by substituting a new sentence for the first one in the paragraph under the above subhead.

Also by substituting a new subhead, "*From Locations Made Subsequent to Starting of Sale,*" for the subhead "From Locations Made After Execution of Contract," and by substituting a new paragraph for the one under the above subhead.

## NOTICE OF AMENDMENT NO. 387.

**Pages 65-S and 66-S.** Instructions under the caption "Classification of Timber Sales" are modified, effective July 15, 1920, by changing the figures "3,000,000" to "6,000,000" under "Class C: Supervisors' Sales."

Also by changing the first paragraph on page 66-S to read as follows:

*"Class D: District Forester's Sales not exceeding the amount he is authorized to sell, in no case over 50,000,000 feet board measure."*

## NOTICE OF AMENDMENT NO. 388.

**Page 71-S.** Instructions under the caption "Class E: Forester's Sales" are modified, effective July 15, 1920, by substituting three new paragraphs for the two paragraphs now under the above caption.

## NOTICE OF AMENDMENT NO. 389.

**Page 14-A.<sup>1</sup>** Instructions under the caption "Betterment of the Force" are modified, effective October 1, 1920, by inserting a new subhead "*Inspection,*" and five paragraphs of instructions directly under the instructions under the subhead "Supervision."

## NOTICE OF AMENDMENT NO. 390.

**Pages 27-A to 34-A<sup>2</sup>.** That part of the Administrative Section of the Manual under the caption "Property" is modified, effective October 1, 1920. The changes under this caption are so numerous that all of the pages from 27-A to 34-A<sup>2</sup> have been reprinted.

## NOTICE OF AMENDMENT NO. 391.

**Page 43-A.** Instructions are modified, effective October 1, 1920, by striking out the words "and property auditor" and "and accountability therefor local to the Forest" from the seventh, eighth, and ninth lines of the paragraph under the subhead "Forest Correspondence."

Also by striking out of the subhead over the third paragraph the words "and property audit" and all of the second sentence of the paragraph under the above subhead.

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### NOTICE OF AMENDMENT NO. 392.

**Page 49-A.** Instructions are modified, effective April 1, 1921, by eliminating from the first paragraph under the caption "Telegrams" the sentence beginning with "In a message" and ending with "to single words."

Also by substituting for the second paragraph the following: "*The following style of address should be used in all official telegrams.*"

Also by substituting a new paragraph for the present beginning with "In telegrams only."

### NOTICE OF AMENDMENT NO. 393.

**Page 50-A.** Instructions under the subhead "Washington Office" are modified, effective April 1, 1921, by eliminating the second paragraph and substituting therefor two paragraphs, the first paragraph beginning with "*Letters to the Secretary,*" etc., and the second with "*Letters to district foresters,*" etc.

### NOTICE OF AMENDMENT NO. 394.

**Page 50-A.** Instructions under the caption "Envelopes and Inclosures" are modified, effective April 1, 1921, by eliminating the first paragraph and substituting therefor a paragraph beginning as follows: "*Envelopes for letters to the Forester,*" etc.

### NOTICE OF AMENDMENT NO. 395.

**Page 57-A.** Instructions under the subhead "Photograph Laboratory, Washington," are modified, effective April 1, 1921, by striking out the words "it makes transfers from map negatives to stone for lithographic proofs;"

### NOTICE OF AMENDMENT NO. 396.

**Page 57-A.** Instructions under the subhead "Prints for Official and Personal Use" are modified, effective April 1, 1921, by striking out the following sentence: "When new photographs are developed, one set will be supplied for the use of the office, if requisitioned by the chief of the office, such photographs to be regarded as Forest Service property."

### NOTICE OF AMENDMENT NO. 397.

**Page 59-A.** Instructions are modified, effective April 1, 1921, by eliminating the following sentence in the second paragraph under the subhead "Films." "If such negatives are found by the photograph committee to be desirable, the requisition will be honored."

### NOTICE OF AMENDMENT NO. 398.

**Page 59-A.** Instructions are modified, effective April 1, 1921, by substituting a new subhead "*Form 166*" and one paragraph thereunder for the present subhead "Notebooks" and one paragraph thereunder.

### NOTICE OF AMENDMENT NO. 399.

**Page 59-A.** Instructions under the subhead "Films Developed and Prints Made in the Field" are modified, effective April 1, 1921, by substituting "*Form 166*" for the word "notebooks" in the fourth and sixth lines. Also by substituting the word "*on*" in the sixth line for the word "*in*."

### NOTICE OF AMENDMENT NO. 400.

**Page 60-A.** Instructions under the caption "General" are modified, effective April 1, 1921, by eliminating the two paragraphs thereunder and substituting a new paragraph.

## NOTICE OF AMENDMENT NO. 401.

**Page 6-G.** Instructions under the subhead "Preparation of Allowance Letter" are modified, effective April 1, 1921, by striking out the following sentence: "He will then prepare a memorandum to the Forester recommending the number of each class of stock to be authorized upon the Forest during the following season."

Also by the addition of a paragraph beginning with "*If the total number*" and ending with "*supervisor at once.*" This paragraph follows item 6.

Also by eliminating the paragraph beginning with "Two carbons" and ending with "waiting file," and substituting therefor two paragraphs, the first beginning with "*One carbon,*" and ending with "*and review,*" and the second beginning with "*If the total*" and ending with "*concerning them.*"

## NOTICE OF AMENDMENT NO. 402.

**Page 6-G.** Instructions under the subhead "Approval Washington Office" are modified, effective April 1, 1921, by substituting two new paragraphs for the present paragraph.

## NOTICE OF AMENDMENT NO. 403.

**Page 6-G.** Instructions under the subhead "Grazing Map" are modified, effective April 1, 1921, by the addition of a new paragraph beginning with "*On all Forests*" and ending with "*in their offices.*"

## NOTICE OF AMENDMENT NO. 404.

**Page 13-G.** Instructions under the subhead "Bonds" are modified, effective April 1, 1921, by adding after the word "improvements" in the second line the following: "*In the discretion of the supervisor and the advisory board,*" and in the third line by changing the word "must" to "*may be required to.*"

## NOTICE OF AMENDMENT NO. 405.

**Page 21-G.** Instructions under the subhead "No Charge for Ordinary Crossing Permits" are modified, effective April 1, 1921, by eliminating "No charge will be made for crossing permits issued under this regulation, but" and substituting therefor the sentence beginning with "*Ordinarily no charge*" and ending with "*justify a charge.*" The following word "when" is capitalized.

## NOTICE OF AMENDMENT NO. 406.

**Page 35-G.** Instructions under the subhead "Minors" are modified, effective April 1, 1921, by adding after the word "minor" in the first line of the first paragraph the words "*not less than 16 years of age.*" After the word "Minors" in the first line of the second paragraph insert the words "*not less than 16 years of age.*"

## NOTICE OF AMENDMENT NO. 407.

**Page 36-G.** Instructions under the subhead "Temporary Use of Range" are modified, effective April 1, 1921, by adding, in the second line of the second paragraph, after the words "stock up to," the words "*or above.*"

## NOTICE OF AMENDMENT NO. 408.

**Page 37-G.** Instructions under the subhead "Aliens" are modified, effective April 1, 1921, by substituting three new paragraphs for the present paragraph.

## NOTICE OF AMENDMENT NO. 409.

**Page 37-G.** Instructions are added bearing the subhead "*Definition of an alien.*" The instructions thereunder commence with "*For the purpose*" and end with "*of these instructions.*" This subhead and paragraph follow the third paragraph under the subhead "Aliens."

April 1, 1921.

(INSTRUCTIONS—AMENDMENTS—90)



#### NOTICE OF AMENDMENT NO. 410.

**Page 38-G.** Instructions under the subhead "Value of Preferences" are modified, effective April 1, 1921, by placing a semicolon after the word "stocked," in the next to the last line of the paragraph, and eliminating the word "and" immediately following.

#### NOTICE OF AMENDMENT NO. 411.

**Page 47-G.** Instructions under the subhead "Waiver of Preference" are modified, effective April 1, 1921, by placing a period after the word "permittee" in the second line of the second paragraph and eliminating, in the second and third lines of the second paragraph, the words "within the three years' limitations under the." Also by inserting before the word "instructions," in the last line, the word "*See.*"

#### NOTICE OF AMENDMENT NO. 412.

**Page 47-G.** Instructions under the subhead "Free Permits to Purchasers, Sale with Waiver," are modified, effective April 1, 1921, by eliminating, in the last line, the words "following rules:" and substituting therefor "*restrictions provided by Regulation G-18.*"

#### NOTICE OF AMENDMENT NO. 413.

**Page 48-G.** Instructions under the subhead "No Reduction on Small Owners," are modified, effective April 1, 1921, by eliminating the word "may," in the first line, and substituting therefore the word "*will.*"

#### NOTICE OF AMENDMENT NO. 414.

**Pages 53, 54, 55, and 56-G.** The National Forest Manual is amended by striking out the caption "Settlement of Controversies" and Regulation G-22 and the instructions and procedure thereunder. Also the caption "Appeals" and Regulation G-23 thereunder. The instructions and procedure under Regulation G-23 have been transferred to the Administrative section of the Manual. (See Notice of Amendment No. 96, p. 41.)

#### NOTICE OF AMENDMENTS NO. 415.

**Page 66-G.** The caption "Grazing Chapter—Supervisor's Annual Forest Plan" is modified, effective April 1, 1921, by substituting the word "*Section*" for the word "Chapter." Also the word "*section*" for the word "chapter" in the first line of the paragraph.

#### NOTICE OF AMENDMENT NO. 416.

**Page 66-G.** Instructions under the caption "Grazing Chapter—Supervisor's Annual Forest Plan" are modified, effective April 1, 1921, by the addition of a new subhead "*Part II, Protection and Development*" and a paragraph beginning with "*Similar action*" and ending with "*information and review.*" This paragraph follows the paragraph ending with "Regulations G-1, P. 4."

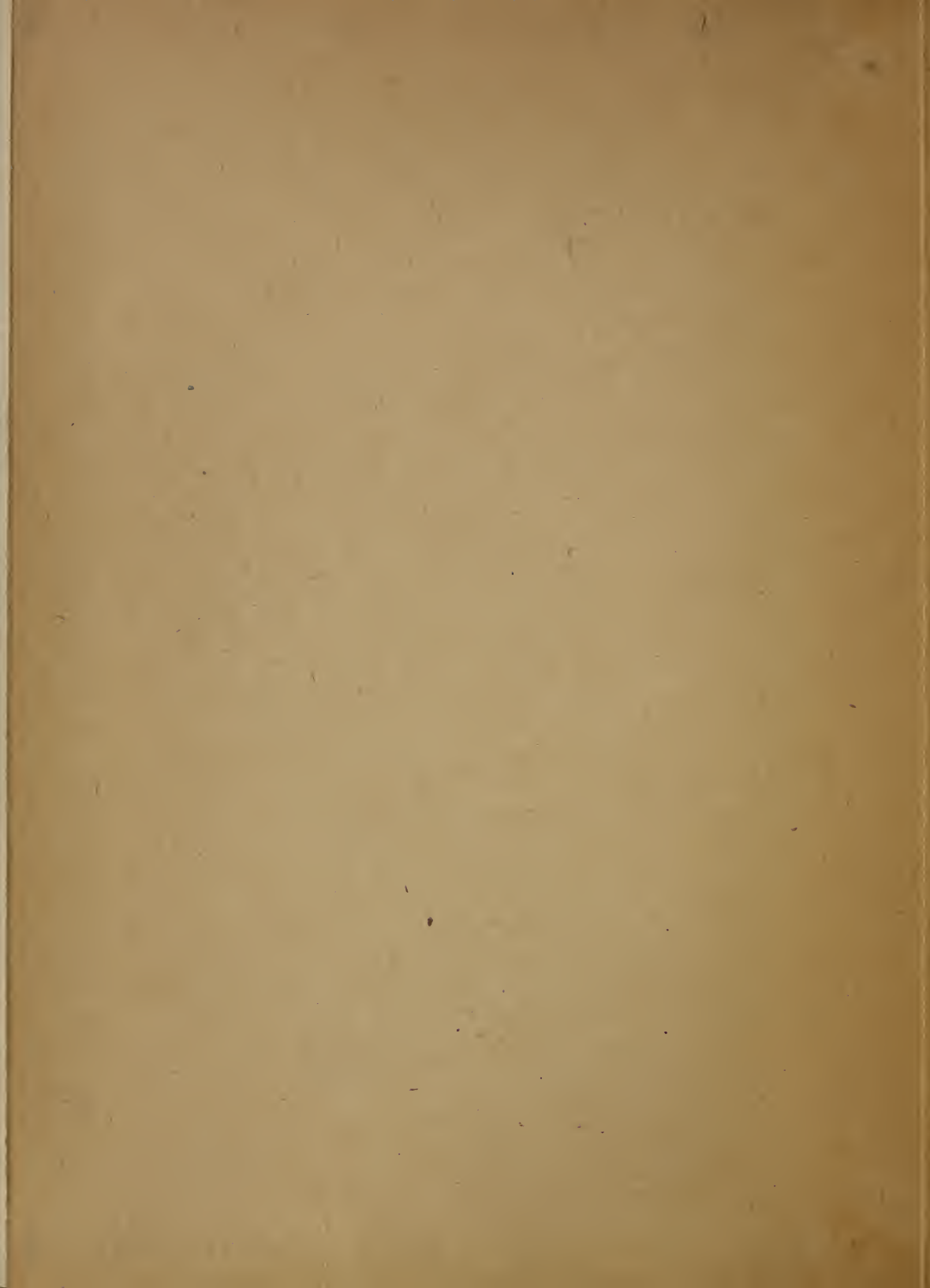
#### NOTICE OF AMENDMENT NO. 417.

**Page 67-G.** New instructions are added, effective April 1, 1921, bearing a subhead "*Grazing Reconnaissance*" with a paragraph thereunder beginning with "*Grazing reconnaissance is a comprehensive*" and ending with "*estimated cost of each.*" A subhead "*Grazing Investigations*" immediately follows, under which are 11 paragraphs. These two subheads "*Grazing Reconnaissance*" and "*Grazing Investigations,*" with the instructions thereunder, follow the second paragraph under the subhead "Card of Thanks."











# CHANGES IN REGULATIONS AND INSTRUCTIONS.

When amendments are received they should first be entered in the columns below and the sheets accompanying the amendments immediately placed in the Manual.

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764778	890019	944256	1090183	1167607	1241801	1270082
822427	890020	979622	1093369	1174458	1241902	1284581
851275	912261	979673	1093370	1187685	1247047	1288342
851276	914383	1001489	1104855	1194284	1253383	1294365
851342	920146	1002291	1104856	1197488	1262420	1305193
867105	918027	1003265	1114833	1202245	1264241	1410737
878340	932059	1010556	1136572	1218734	1266648	1410788
940508	1017089	1101566	1136573	1218733	1266648	
941481	1022452	1140929	1143006	1222705	1267829	
941482	1027093	1143006	1227717	1267829	1267829	
941757	1070566	1150472	1227718	1267831	1267831	
	1086495	1150472	1227718	1267831	1267831	

OTHER PATENTS PENDING



